

**SUMMARY OF THE NATIONAL DEFENSE AUTHORIZATION ACT
FOR FISCAL YEAR 2004**

The following is a summary of the provisions of the National Defense Authorization Act (NDAA) for Fiscal Year 2004 (FY04). The purposes of the Act are to authorize appropriations for FY04 Department of Defense procurements, research and development, operation and maintenance, personnel compensation and benefits, construction, and for other related purposes. This summary of the Act highlights provisions of anticipated particular interest to the United States Marine Corps.

This summary is offered to the Marine Corps community, and should not be considered a legal analysis of the entire Act. Any provisions of interest should be cross-referenced with the sections of the Act, as well as any applicable sections of the United States Code. This summary should not be construed as the official position of the Marine Corps or relied upon without reference to the NDAA, the United States Code, or any other body of law referred to herein.

The Act is organized by divisions, titles, subtitles, and sections. To clarify the Act's numerous provisions, this summary has been divided as follows:

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EXECUTIVE SUMMARY

The FY04 NDAA became law on 24 November 2003. The NDAA text is over 690 pages. Judge Advocate Division condensed items of anticipated interest to the Marine Corps into this executive summary.

The FY04 NDAA implements the following items of particular importance to the Marine Corps:

APPROPRIATIONS

Authorizes \$1,123,499,000 for Marine Corps procurement, and \$924,355,000 for Navy and Marine Corps procurement of ammunition (Section 102).

Authorizes the Secretary of the Navy to enter into a multiyear contract for the procurement of F/A-18E, F/A-18F, and EA-18G aircraft (Section 121).

RESEARCH AND DEVELOPMENT

Authorizes \$14,845,503,000 for Navy research, development, test and evaluation (Section 201).

Requires the Secretary of Defense to establish a collaborative program for evaluation and demonstration of advanced technologies for gun systems that use electromagnetic propulsion (Section 211).

Requires the Secretary of Defense to develop a plan for the development of a Joint Tactical Radio System (Section 213).

Requires the Secretary of Defense to provide for the performance of two independent studies on alternative future fleet platform architectures for the Navy and report the results from those studies to Congress (Section 216).

Requires the joint development of an effective system for the tracking of United States and other friendly forces during combat operations (Section 235).

OPERATION AND MAINTENANCE

Authorizes \$3,426,056,000 for Marine Corps Operation and Maintenance (O&M) funding, and \$173,952,000 for Marine Corps Reserve O&M (Section 301).

Authorizes the Secretary of Defense to transport humanitarian assistance supplies to foreign countries in response to an event that threatens serious harm to the environment (Section 312).

Requires the Secretary of Defense to conduct a study on the impact of civilian community encroachment on military installations and operational ranges (Section 320).

Authorizes the Secretary of Defense to sell working-capital funded services of the Defense Information Systems Agency to persons outside the Department of Defense to enable those persons to perform the Navy-Marine Corps Intranet contract (Section 342).

Requires the Secretary of Defense to provide prepaid phone cards or access to telephone services to members of the armed forces stationed outside the United States who are in direct support of OEF and OIF to enable those members to make telephone calls without cost (Section 344).

MILITARY PERSONNEL AUTHORIZATIONS

Establishes Marine Corps active duty end strength at 175,000 (No change from FY03) (Section 401).

Increases the Marine Corps Reserve end strength to 39,600 (Increase of 42 from FY03) (Section 411).

Establishes the end strength of Marine Corps Reserves authorized to serve on active duty in support of the Reserves at 2,261 (No change from FY03) (Section 412).

Authorizes \$98,908,400,000 to be appropriated to the Department of Defense for military personnel (Section 421).

MILITARY PERSONNEL POLICY

Modifies the group of officers eligible to be appointed as the Commandant of the Marine Corps from officers on the active duty list not below the grade of O-6 to all general officers of the Marine Corps (Section 501).

Makes permanent the provisions of Title 10 relating to joint 4-star officer positions, distribution of general and flag officers, and exclusion from general and flag officer end strength for joint duty assignments that would have terminated at the end of FY03 (Section 504).

Gives the Secretary of Defense permanent authority to reduce the three year active duty requirement that an active duty or reserve commissioned officer, in a grade above major or lieutenant commander, must serve in order to be eligible for voluntary retirement in that grade, to not less than two years (Section 506).

Authorizes the President to reappoint the officer serving as Chief of Naval Operations on 1 October 2003 for an additional term not to exceed more than two years (Section 508).

Requires the approval of the Secretary of Defense to frock an officer selected for promotion to a grade above colonel, or to a grade above captain for an officer in the Navy (Section 509).

Limits the use of reserve component personnel and units in responding to a terrorist attack or threatened terrorist attack in the United States to those attacks that result, or could result, in significant loss of life or property, and only when the requirements for responding to such an emergency have exceeded, or will exceed, the response capabilities of local, state, and federal civilian agencies (Section 515).

Requires the Secretary of Defense to establish a Department of Defense task force to examine matters relating to sexual harassment and violence at the United States Naval Academy (Section 526).

Authorizes the Marine Corps University to award a masters degree in operational studies upon completion of Command and Staff College's School of Advanced Warfighting (Section 531).

Limits the period of time a service member may be deployed to no more than 220 days out of the last 365 days or no more than 400 days out of the last 730 days. Expands the number of service members eligible for a high-deployment allowance (Section 541).

Authorizes the Secretary of a military department to increase the amount of leave that can be accrued by service members from 90 to 120 days, if the service member is on active duty for 120 continuous days and is entitled to hazardous duty pay or assigned to a deployable ship or unit (Section 542).

Authorizes reserve or retired regular officers who serve on active duty for more than 270 days, to hold a civil office in the

government of a state, unless otherwise prohibited by the laws of the state or by the Secretary of Defense (Section 545).

Requires the Secretary of Defense to establish a policy on the public release of the name or other personally identifying information of any service member who is killed or injured while on active duty or performing inactive duty training (Section 546).

Prohibits the Secretary of the Navy from reducing or disestablishing a Naval Reserve or Marine Corps Reserve aviation squadron before 1 February 2004 (Section 549).

Amends Article 43 of the UCMJ to authorize a service member charged with committing a child abuse offense to be tried by court-martial if the sworn charges and specifications are received before the child attains the age of 25 years (Section 551).

Amends Article 111 of the UCMJ, which criminalizes the drunken or reckless operation of a vehicle, aircraft, or vessel. As amended, the concentration of alcohol in a service member's blood or breath for purposes of violating Article 111 is the lesser of the applicable state blood alcohol level where the conduct occurred or 0.10 BAC (Section 552).

Expands the authority of the Secretary of a military department to authorize payment of travel and transportation allowances to the dependents of a service member who are victims of domestic violence and have requested relocation (Section 571).

Authorizes payment of transitional compensation to dependents of a service member who are victims of domestic violence, upon a service member's sentencing at court-martial for dependent abuse violations, rather than upon the convening authority's action (Section 572).

Requires the Secretary of the Navy to conduct a multidisciplinary, impartial "fatality review" in the case of each fatality known or suspected to have resulted from domestic violence or child abuse (Section 576).

Expresses the sense of Congress that the Secretary of Defense should develop a Department of Defense strategic plan for domestic violence that incorporates the core principles of domestic violence intervention (Section 577).

Requires the Secretary of Defense to implement and sustain programs to recognize and honor the contributions of the American military families and focus the celebration of the American military family during a specific period of each year (Section 581).

Authorizes the Secretary of a military department to provide support services to chaplain-led programs to assist active duty and reserve members of the armed forces and their immediate family members in building and maintaining a strong family structure (Section 582).

Requires the Secretary of Defense to establish a policy on concurrent deployment to a combat zone of both spouses of a dual-military family with one or more minor children (Section 585).

Expresses the sense of Congress that the Secretary of Defense should use the authority available to disburse funds rewarding individuals who provide information leading to the conclusive resolution of the status of any missing member of the armed forces (Section 588).

COMPENSATION AND BENEFITS

Summarizes the increases in basic pay effective 1 January 2004 (Section 601).

Requires an annual pay increase for members of the armed forces (Section 602).

Increases the monthly amount of hostile fire pay from \$150 to \$225, effective from 1 October 2003 to 31 December 2004 (Section 619).

Authorizes the Secretary of a military department to pay overseas extension special pay to officers who agree to extend their overseas tour for a minimum of one year (Section 621).

Authorizes the Secretary of Defense to waive the requirement of serving in a designated critical skill prior to receiving a reenlistment bonus, if the service member is serving on active duty in Afghanistan, Iraq, or Kuwait in support of OEF/OIF (Section 626).

Authorizes transportation for family members to visit a hospitalized member, if the attending physician and the commander of the military medical facility exercising control over the

member determine that the presence of the family member may contribute to the member's health and welfare (Section 632).

Effective 1 January 2004, all military retirees (including Guard and Reserve) with at least 20 years of service and VA disability ratings of 50% or higher will have their military retired pay offsets phased out over a 10-year period, ending on 31 December 2013 (Section 641).

Authorizes the Secretary of a military department to pay an SBP annuity to the member's dependent children instead of paying an annuity to the surviving spouse, if the Secretary of the military department determines, after consulting the surviving spouse, it is appropriate (Section 645).

HEALTH CARE

Members of the Selected Reserve of the Ready Reserve and the Individual Ready Reserve are now eligible to enroll in TRICARE and receive benefits under such enrollment for any period that the service member is an unemployment compensation recipient or is not eligible for health care benefits under an employer-sponsored health plan (Section 702).

ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Requires the Secretary of Defense to prescribe in regulations a quality control policy for the procurement of aviation critical safety items and the procurement of modifications, repair, and overhaul of such items (Section 802).

DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Clarifies the responsibility of the military departments to fully support the current and future operational requirements of the combatant commands (Section 901).

Freezes the defense acquisition and support workforce for one year (Section 907).

Exempts certain operational files at specified offices of the National Security Agency from the search, review, and disclosure provisions of the FOIA (Section 922).

GENERAL PROVISIONS

Requires direct payment to the issuer of a Department of Defense travel card for official travel or transportation expenses charged on the travel card by a Department of Defense employee or member (Section 1009).

Requires the Secretary of Defense to establish, and annually update, an integrated plan for developing, deploying, and sustaining a prompt global strike capability in the armed forces (Section 1032).

Requires the President to submit to Congress, not later than 1 April 2004, a report on the potential uses of unmanned aerial vehicles for support of the performance of homeland security missions (Section 1034).

CIVILIAN PERSONNEL MATTERS

Entitles Department of Defense civilian personnel to 22 additional workdays of military leave when performing full-time military service as a result of a call or order to active duty in support of a contingency operation (Section 1113).

MATTERS RELATING TO OTHER NATIONS

Requires the Secretary of Defense to provide all necessary health care, medical assistance, and related support needed to Iraqi children who were injured during, or as a result of, OIF (Section 1201).

Requires the Secretary of Defense to submit to Congress a report on military operations under OIF, security and reconstruction activities in Iraq, and the acquisition by Iraq of weapons of mass destruction and advanced conventional weapons (Sections 1202, 1203, 1204).

Authorizes the Secretary of Defense to present awards to recognize superior noncombat achievements by members of friendly foreign forces and other foreign nationals that significantly enhance the National Security Strategy of the United States (Section 1222).

Requires the Secretary of Defense to submit a report to Congress on appropriate steps that can be taken by the Department of Defense to respond to legal actions by a foreign government against United States officials or members of the armed forces (Section 1232).

Expresses the sense of Congress that the Secretary of Defense should reevaluate the expansion of the NATO Alliance, the evolution of the military mission of that Alliance, and the current posture of United States forces stationed in Europe (Section 1233).

Authorizes the appropriation of funds to the Department of Defense for Cooperative Threat Reduction programs inside the states of the former Soviet Union, and in limited circumstances, use of such funds outside the former Soviet Union (Sections 1302, 1304, 1305, 1307, 1308).

VETERANS' DISABILITY BENEFITS COMMISSION

Establishes the Veterans' Disability Benefits Commission to conduct a study of the benefits that are provided to compensate and assist veterans and their survivors for disabilities and deaths attributable to military service. The findings of the study will be reported to Congress (Sections 1501-1503).

NATURALIZATION AND IMMIGRATION BENEFITS

Enables active duty and reserve service members of the armed forces to have waived the five-year continuous residence requirement necessary to become a naturalized citizen if the service member has served on active duty for one year (Sections 1701-1702).

Enables the alien spouse, children, and parents of a citizen who served honorably on active duty in the armed forces, and died as a result of combat, to be considered as "immediate relatives" for the purpose of distributing benefits to the family members of the service member (Section 1703).

Enables service members who served honorably while on active duty during periods of military hostility to receive a posthumous grant of citizenship (Section 1704).

MILITARY CONSTRUCTION

Authorizes funds for military construction projects at MCAS Yuma, Twentynine Palms, MCB Camp Pendleton, MCAS Miramar, Marine Corps Barracks, Washington D.C., MCAS New River, MCB Camp Lejeune, MCCDC Quantico, and HQMC Henderson Hall (Section 2201).

Authorizes the Secretary of the Navy to construct or acquire 519 family housing units at MCB Camp Lejeune and 339 family housing units at MCAS Cherry Point (Section 2202).

Authorizes the Secretary of the Navy to improve existing military family housing units in an amount not to exceed \$20,446,000 (Section 2203).

Authorizes the Secretary of a military department to enter into an agreement to convey real property located on a military installation that is closed or realigned to any person who agrees to carry out a military construction project, land acquisition, or transfers or constructs military family housing (Section 2805).

Authorizes the Secretary of Defense to use operation and maintenance funds, not to exceed \$200,000,000, for military construction requirements outside the United States (Section 2808).

Requires the Secretary of Defense to submit to Congress a report describing all military construction projects carried out to support new homeland defense missions since 11 September 2001 (Section 2809).

Authorizes the Secretary of the Navy to convey a portion of land to a private corporation at Marine Corps Logistic Base, Albany, Georgia (Section 2842).

Authorizes the Secretary of the Navy to accept a qualified guarantee of gifts for the purpose of developing the Marine Corps Heritage Center, Marine Corps Base, Quantico, Virginia (Section 2871).

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Sec. 1302. Funding allocations.
Sec. 1304. Limitation on use of funds for biological research in the former Soviet Union.
Sec. 1305. Requirement for on-site managers.
Sec. 1307. Annual certifications on use of facilities being constructed for Cooperative Threat Reduction projects or activities.
Sec. 1308. Authority to use Cooperative Threat Reduction funds outside the former Soviet Union.

TITLE XIV - SERVICES ACQUISITION REFORM

Subtitle D - Other Matters

Sec. 1441. Authority to enter into certain transactions for defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack.
Sec. 1443. Special emergency procurement authority.

TITLE XV - VETERANS' DISABILITY BENEFITS COMMISSION

Sec. 1501. Establishment of commission.
Sec. 1502. Duties of the commission.
Sec. 1503. Report.

TITLE XVI - DEFENSE BIOMEDICAL COUNTERMEASURES

Sec. 1601. Research and development of defense biomedical countermeasures.
Sec. 1602. Procurement of defense biomedical countermeasures.
Sec. 1603. Authorization for medical products for use in emergencies.

**TITLE XVII - NATURALIZATION AND OTHER IMMIGRATION BENEFITS FOR
MILITARY PERSONNEL AND FAMILIES**

Sec. 1701. Requirements for naturalization through service in the Armed Forces of the United States.
Sec. 1702. Naturalization benefits for members of the Selected Reserve of the Ready Reserve.
Sec. 1703. Extension of posthumous benefits to surviving spouses, children, and parents.
Sec. 1704. Expedited process for granting posthumous citizenship to members of the Armed Forces.
Sec. 1705. Effective date.

DIVISION B - MILITARY CONSTRUCTION AUTHORIZATIONS

TITLE XXII - NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Termination of authority to carry out certain fiscal year 2003 projects.
Sec. 2206. Termination of authority to carry out certain fiscal year 2002 projects.

TITLE XXIV - DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

TITLE XXVIII - GENERAL PROVISIONS

Subtitle A - Military Construction Program and Military Family Housing Changes

Sec. 2804. Increase in authorized maximum lease term for family housing and other facilities in certain foreign countries.
Sec. 2805. Conveyance of property at military installations closed or realigned to support military construction.
Sec. 2806. Inapplicability of space limitations to military unaccompanied housing units acquired or constructed under alternative authority.
Sec. 2807. Additional material for reports on housing privatization program.
Sec. 2808. Temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.
Sec. 2809. Report on military construction requirements to support new homeland defense missions of the Armed Forces.

Subtitle B - Real Property and Facilities Administration

Sec. 2811. Enhancement of authority to acquire low-cost interests in land.
Sec. 2813. Acceptance of in-kind consideration for easements.

Subtitle D - Land Conveyances

Sec. 2842. Land conveyance, Marine Corps Logistic Base, Albany, Georgia.

Sec. 2843. Land exchange, Naval and Marine Corps Reserve Center, Portland, Oregon.

Subtitle E - Other Matters

Sec. 2871 Authority to accept guarantees with gifts in development of Marine Corps Heritage Center, Marine Corps Base, Quantico, Virginia.

**DIVISION C - DEPARTMENT OF ENERGY NATIONAL SECURITY
AUTHORIZATIONS AND OTHER AUTHORIZATIONS**

TITLE XXXI - DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle B - Program Authorizations, Restrictions and Limitations

Sec. 3113. Readiness posture for resumption by the United States of underground nuclear weapons tests.

Sec. 3116. Repeal of prohibition on research and development of low-yield nuclear weapons.

Subtitle C - Proliferation Matters

Sec. 3123. Study and report relating to weapons-grade uranium and plutonium of the independent states of the former Soviet Union.

Sec. 3124. Authority to use international nuclear materials protection and cooperation program funds outside the former Soviet Union.

Sec. 3125. Requirement for on-site managers.

Subtitle D - Other Matters

Sec. 3135. Report on integration activities of Department of Defense and Department of Energy with respect to Robust Nuclear Earth Penetrator.

TITLE XXXV - MARITIME ADMINISTRATION

Subtitle C - Maritime Security Fleet

Sec. 3531. Establishment of Maritime Security Fleet.

Subtitle D - National Defense Tank Vessel Construction Assistance

Sec. 3541. National defense tank vessel construction program.

TITLE XXXVI - NUCLEAR SECURITY INITIATIVE

Subtitle A - Administration and Oversight of Threat Reduction and Nonproliferation Programs

Sec. 3611. Management assessment of Department of Defense and Department of Energy threat reduction and nonproliferation programs.

Subtitle B - Relations Between the United States and Russia

Sec. 3621. Comprehensive inventory of Russian tactical nuclear weapons.

Sec. 3622. Establishment of interparliamentary Threat Reduction Working Group.

Sec. 3623. Sense of Congress on cooperation by United States and NATO with Russia on ballistic missile defenses.

Sec. 3624. Sense of Congress on enhanced collaboration to achieve more reliable Russian early warning systems.

PROVISIONS OF SPECIAL INTEREST TO THE USMC

DIVISION A (DEPARTMENT OF DEFENSE AUTHORIZATIONS)

TITLE I - PROCUREMENT

Subtitle A - Authorization of Appropriations

Section 102 (Navy & Marine Corps): Authorizes \$9,009,948,000 for Navy procurement of aircraft; \$2,233,534,000 for weapons, including missiles and torpedoes; \$11,729,984,000 for Navy procurement of shipbuilding and conversion; and \$4,739,143,000 for other Navy procurement. Authorizes \$1,123,499,000 for Marine Corps procurement. Authorizes \$924,355,000 for Navy and Marine Corps procurement of ammunition.

Section 104 (Defense-wide activities): Authorizes \$3,768,506,000 for Defense-wide procurement.

Subtitle C - Navy Programs

Section 121 (Multiyear procurement authority for F/A-18 aircraft program): The Secretary of the Navy may, in accordance with 10 USC §2306b, enter into a multiyear contract, beginning in FY05, for procurement of aircraft in the F/A-18E, F/A-18F, and EA-18G configurations. The total number of aircraft procured through a multiyear contract may not exceed 234.

Section 122 (Multiyear procurement authority for Tactical Tomahawk cruise missile program): The Secretary of the Navy may, in accordance with 10 USC §2306b, enter into a multiyear contract, beginning in FY04, for procurement of Tactical Tomahawk cruise missiles. The total number of missiles procured through a multiyear contract shall be determined by the Secretary of the Navy, based upon the funds available, but not to exceed 900 in any year. The Secretary of the Navy may not enter into a contract for the procurement of Tactical Tomahawk cruise missiles until the Secretary determines on the basis of operational testing that the Tomahawk is effective for fleet use.

Subtitle D - Air Force Programs

Section 131 (Elimination of quantity limitations on multiyear procurement authority for C-130J aircraft): Amends section 131(a) of the Bob Stump National Defense Authorization Act for FY03 (Public Law 107-314; 116 Stat. 2475) to eliminate the

numerical limits in the current multiyear procurement contract for C-130J aircraft in the CC-130J and KC-130J configurations.

Section 133 (Limitation on obligation of funds for procurement of F/A-22 aircraft): Prohibits the obligation of the \$136,000,000 appropriated for FY04 for procurement of F/A-22 aircraft until the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to Congress that:

(a) The five aircraft designated to participate in the initial operational test and evaluation program for the F/A-22 aircraft, plus the avionics software test aircraft, have each been equipped with the avionics software operational flight program that is configured for initial operational test and evaluation; and

(2) The six aircraft specified demonstrate, on average, a mean time between covered avionics anomalies of at least five hours, before the commencement of that initial operational test and evaluation program.

TITLE II - RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A - Authorization of Appropriations

Section 201 (Authorization of Appropriations): Authorizes \$14,845,503,000 for Navy research, development, test and evaluation. Also authorizes \$18,438,718,000 for Defense-wide activities, of which \$286,661,000 is authorized for the Director of Operational Test and Evaluation.

Section 202 (Amount for defense science and technology): Of the amount authorized in section 201 of this act, \$11,029,557,000 is available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

Subtitle B - Program Requirements, Restrictions, and Limitations

Section 211 (Collaborative program for development of electromagnetic gun technology): The Secretary of Defense will establish and carry out a collaborative program for evaluation and demonstration of advanced technologies and concepts for advanced gun systems that use electromagnetic propulsion for direct and indirect fire applications. The program will be carried out collaboratively pursuant to a memorandum of agreement to be entered into among the Director of Defense Research and Engineering, the Secretary of the Army, the Secretary of the Navy, the Director of the Defense Advanced Research Projects

Agency, and other appropriate officials of the Department of Defense. The program will identify technical objectives and barriers; prepare a plan for development of electromagnetic gun systems for military applications; and identify a strategy for the participation of industry.

Section 212 (Leadership and duties of Department of Defense Test Resource Management Center): Amends 10 USC §196 to provide that, in addition to a commissioned officer of the armed forces serving on active duty, the Secretary of Defense may also consider a senior civilian official or employee of the Department of Defense for selection as Director of the Department of Defense Test Resource Management Center (DTRMC).

Section 213 (Development of the Joint Tactical Radio System): The Secretary of Defense will develop a plan for implementation of a development program for the Joint Tactical Radio System under a single joint program office. The Secretary of Defense will include in the plan measures to ensure that:

- (a) A single, unified concept of operations for all users of the Joint Tactical Radio System is developed and implemented; and
- (b) The responsibility for the coordination of the operational requirements for the system is vested in the Chairman of the Joint Chiefs of Staff, with the participation of the Joint Tactical Radio System program office.

Section 214 (Future Combat Systems):

- (a) Prohibits the obligation of the \$170,000,000 authorized to be appropriated for the FY04 development and demonstration of systems under the Future Combat Systems program until 30 days after the Secretary of the Army submits to Congress a report on the program. The report will include: a review of the Future Combat Systems program carried out by the independent panel at the direction of the Secretary of Defense; a review of the Future Combat Systems program carried out by the Defense Acquisition Board; and a breakdown of the costs of the project for FY04.
- (b) Requires the Secretary of Defense, starting in FY04, to ensure that the Future Combat Systems project, the Networked Fires System Technology project, and the Objective Force Indirect Fires project are each planned, programmed, and budgeted for as a separate, dedicated project.

Section 216 (Studies of fleet platform architectures for the Navy): The Secretary of Defense will provide for the performance of two independent studies on alternative future fleet platform architectures for the Navy and will report the results from those studies to Congress. The studies will consider the following

issues prior to completion: The security of the United States; potential future threats to naval forces; the traditional and alternative roles and missions of the naval forces; evolving naval technology; and opportunities for reduced manning and unmanned ships and vehicles in future naval forces.

Subtitle D - Other Matters

Section 234 (Department of Defense program to expand high-speed, high-bandwidth capabilities for network-centric operations): The Secretary of Defense will carry out a program of research and development to promote the development of high-speed, high-bandwidth communications capabilities for support of network-centric operations by the Armed Forces. The purposes of the program are as follows:

- (a) To accelerate the development and fielding of network-centric operational capabilities (including expanded use of unmanned vehicles, satellite communications, and sensors) and to achieve high-speed, high-bandwidth connectivity to military assets.
- (b) To provide for the development of equipment and technologies for military high-speed, high-bandwidth communications capabilities for support of network-centric operations.

Section 235 (Blue forces tracking initiative): The Department of Defense will coordinate the efforts of the Chairman of the Joint Chiefs of Staff, the commanders of the combatant commands, and the Secretaries of the military departments to develop an effective system for the tracking of United States and other friendly forces (known as ``blue forces'') during combat operations.

- (a) The Secretary of Defense will carry out a joint experiment during FY04 to demonstrate and evaluate available joint blue forces tracking technologies.
- (b) The objectives of the experiment are to explore various options for tracking United States and other friendly forces during combat operations; and, to determine a solution for the development, acquisition, and fielding of a system for tracking that is coordinated and accommodates the participation of military forces of allied nations.

TITLE III - OPERATION AND MAINTENANCE

Subtitle A - Authorization of Appropriations

Section 301 (Operation and maintenance (O&M) funding):

Authorizes the appropriation of \$3,426,056,000 for Marine Corps

O&M and \$173,952,000 for Marine Corps Reserve O&M. Authorizes \$16,243,157,000 for Defense-wide activities.

Section 302 (Working capital funds): Authorizes \$632,261,000 for the Defense Working Capital Funds, \$1,062,762,000 for the National Defense Sealift Fund, and \$1,089,246,000 for the Defense Commissary Agency Working Capital Fund.

Section 303 (Other Department of Defense programs): Authorizes the appropriation of \$15,401,509,000 for the Defense Health Program, \$1,530,261,000 for Department of Defense Chemical Agents and Munitions Destruction, and \$817,371,000 for Defense-wide Drug Interdiction and Counter-Drug Activities.

Subtitle B - Environmental Provisions

Section 311 (Reauthorization and modification of title I of Sikes Act): The Secretary of Defense will take whatever steps are necessary to ensure that section 107 of the Sikes Act (16 USC §670e-2) is fully implemented. Section 107 of the Sikes Act requires sufficient numbers of professionally trained natural resource management and law enforcement personnel to implement comprehensive conservation and integrated natural resource management plans.

Section 312 (Clarification of Department of Defense response to environmental emergencies): Amends 10 USC §402, which authorizes the Secretary of Defense to provide humanitarian assistance to foreign countries. As amended, 10 USC §402 authorizes the Secretary of Defense to transport humanitarian assistance supplies to foreign countries in response to, or to mitigate the effects of, an event or condition, such as an oil spill, that threatens serious harm to the environment, but only if other sources of transportation are not readily available.

Section 314 (Authorization for Department of Defense participation in wetland mitigation banks): Creates 10 USC §2694b, which authorizes the Secretary of Defense or a Secretary of a military department to make payments to a wetland mitigation banking program or 'in-lieu-fee' mitigation sponsor when engaged in an authorized activity that may, or will, result in the destruction of, or an adverse impact to, a wetland.

Section 318 (Military readiness and conservation of protected species): Amends 16 USC §1533, the Endangered Species Act of 1973, to prohibit the Secretary of Defense from designating as critical habitat any lands or other geographical areas owned,

controlled by, or designated for the use of the Department of Defense, if that land is subject to an integrated natural resources management plan under the Sikes Act (16 USC §670a), if the plan provides a benefit to the species for which the critical habitat designation is proposed for.

Section 319 (Military readiness and marine mammal protection):

Amends 16 USC §1371, the Marine Mammal Protection Act of 1972, to authorize the Secretary of Defense, after conferring with the Secretary of Commerce, the Secretary of the Interior, or both, as appropriate, to exempt any action undertaken by the Department of Defense or its components from compliance with any requirement of the Marine Mammal Protection Act if the Secretary of Defense determines the action is necessary for national defense.

Section 320 (Report regarding impact of civilian community encroachment and certain legal requirements on military installations and ranges and plan to address encroachment):

Requires the Secretary of Defense to conduct a study on the impact of civilian community encroachment on military installations and operational ranges. The study will provide the following information:

- (a) A list of all military installations where civilian community encroachment is occurring.
- (b) A description and analysis of the types and degree of the civilian community encroachment at each military installation included on the list.
- (c) An analysis of the current and potential future impact of the civilian community encroachment on operational training activities, research, development, maintenance, storage, disposal, or other support functions performed by military installations included on the list.
- (d) An estimate of the costs associated with current and anticipated partnerships between the Department of Defense and non-Federal entities to create buffer zones to preclude further development around military installations included on the list, and the costs associated with the conveyance of surplus property around the military installations to create buffer zones.
- (e) A plan to respond to the encroachment issues.

Section 322 (Task force on resolution of conflict between military training and endangered species protection at Barry M. Goldwater Range, Arizona): Requires the Secretary of Defense to establish a task force to determine and assess various means of resolving the conflict between the dual objectives at Barry M. Goldwater Range, Arizona, of the full utilization of live

ordnance delivery areas for military training and the protection of endangered species that are present at the range.

Subtitle C - Workplace and Depot Issues

Section 333 (Exception to competition requirement for depot-level maintenance and repair workloads performed by depot-level activities): Amends 10 USC §2469, which requires competitive selection procedures when contracting for the performance of a depot-level maintenance and repair workload with private and public sector entities. As amended, 10 USC §2469 authorizes the waiver of the competitive selection procedures for workloads performed under a public-private partnership at a Center for Industrial and Technical Excellence.

Section 334 (Resources-based schedules for completion of public-private competitions for performance of Department of Defense functions): Requires any interim or final deadline or other schedule-related milestone for the completion of a Department of Defense public-private competition to be established solely on the basis of considered research and sound analysis regarding the availability of sufficient personnel, training, and technical resources to the Department of Defense to carry out such competition in a timely manner.

Section 335 (Delayed implementation of revised Office of Management and Budget Circular A-76 by Department of Defense pending report): No studies or competitions may be conducted under the policies and procedures contained in the revised Office of Management and Budget Circular A-76, dated 29 May 2003, relating to the possible contracting out of commercial activities being performed by employees of the Department of Defense, until the end of a 45-day period beginning on the date that the Secretary of Defense submits to Congress a report on the effects of the revisions. The report will contain the following information:

- (a) The extent to which the revised circular will ensure that employees of the Department of Defense have the opportunity to compete to retain their jobs.
- (b) The extent to which the revised circular will provide appeal and protest rights to employees of the Department of Defense.
- (c) Safeguards in the revised circular to ensure that all public-private competitions are fair, appropriate, and comply with requirements of full and open competition.
- (d) Plans of the Department of Defense to ensure an appropriate phase-in period for the revised circular.

(e) Plans of the Department of Defense to provide training to employees of the Department of Defense regarding the revised circular.

(f) Plans of the Department of Defense to collect and analyze data on the costs and quality of work contracted out or retained in-house as a result of a sourcing process conducted under the revised circular.

Section 336 (Pilot program for best-value source selection for performance of information technology services): Authorizes the Secretary of Defense to carry out a pilot program for the procurement of information technology services for the Department of Defense that uses a best-value criterion in the selection of the source for the performance of the information technology services. Under the pilot program, the Secretary of Defense will examine the performance of an information technology services function by Department of Defense civilian employees and by one or more private contractors to demonstrate whether:

(a) A change to performance by the private sector will result in the best value to the Government over the life of the contract; and

(b) Certain benefits exist, in addition to price, that warrant performance of the function by a private sector source at a cost higher than that of performance by Department of Defense civilian employees.

Section 337 (High-performing organization business process reengineering pilot program): Directs the Secretary of Defense to establish a pilot program under which Secretaries of the military departments create, or continue the implementation of, high-performing organizations through the conduct of a Business Process Reengineering initiative at eight selected military installations and facilities. Participants are exempted from mandatory OMB Circular A-76 studies and civilian and military positions in the program count toward any numerical goals, target, or quota for public-private competition of billets.

Section 338 (Naval Aviation Depots multi-trades demonstration Project): Authorizes the Secretary of the Navy to carry out a demonstration project under which three Naval Aviation Depots are given the flexibility to promote by one grade level workers who are certified at the journey level as able to perform multiple trades. The purpose of the project is to study the improvements that would result from the combination of two or more trades in an individual worker.

Subtitle D - Other Matters

Section 342 (Sale of Defense Information Systems Agency services to contractors performing the Navy-Marine Corps Intranet contract):

Authorizes the Secretary of Defense to sell working-capital funded services of the Defense Information Systems Agency to persons outside the Department of Defense to enable those persons to perform the Navy-Marine Corps Intranet contract. The Secretary of Defense will receive reimbursement for the cost of the services rendered from the appropriated funds for the Navy-Marine Corps Intranet contract or from payments made by the purchaser of the services.

Section 343 (Permanent authority for purchase of certain municipal services at installations in Monterey County, California):

Authorizes Department of Defense installations in Monterey County, California, to purchase public works, utility, and other municipal services from government agencies located in the county that are needed for the operation of the installation.

Section 344 (Department of Defense telecommunications benefit):

(a) As soon as possible after the enactment of this act, the Secretary of Defense will provide, wherever practicable, prepaid phone cards, or an equivalent telecommunications benefit which includes access to telephone services, to members of the armed forces stationed outside the United States who (as determined by the Secretary) are eligible for combat zone tax exclusion benefits, due to their service in direct support of Operation Enduring Freedom and Operation Iraqi Freedom to enable those members to make telephone calls without cost to the member.

(b) The value of the benefit provided to any service member in any month, may not exceed \$40 or 120 calling minutes.

(c) This program will terminate on 30 September 2004.

(d) Funding for this program will come from existing Department of Defense telecommunications programs and capabilities, free or reduced-cost services from private sector entities, and programs to enhance morale and welfare.

(e) The Secretary of Defense may accept gifts and donations in order to defray the costs of this program from any foreign government, any foundation or other charitable organization, any source in the private sector from the United States or a foreign nation.

(f) The Secretary of Defense may provide additional telephones and equipment in any area to facilitate the implementation of this program.

TITLE IV - MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A - Active Forces

Section 401 (End strengths for active forces): Establishes the following active-duty end strengths as of 30 September 2004:

Army:	482,400 (up 2,400 from FY03)
Navy:	373,800 (down 1,900 from FY03)
Marine Corps:	175,000 (no change from FY03)
Air Force:	359,300 (up 300 from FY03)

Section 402 (Revision in permanent active duty end strength minimum levels): Amends 10 USC §691(b) to establish the following active duty end strength minimum levels:

Army:	482,400
Navy:	373,800
Air Force:	359,300
Marine Corps:	(no change from FY03)

Section 403 (Personnel strength authorization and accounting process): Amends 10 USC §115, which requires annual authorization from Congress for the personnel end strength of each armed force. The amendment requires the Secretary of Defense to:

- (a) Provide justification documents in support of the Department of Defense budget for the proposed end of quarter and fiscal year end strengths.
- (b) Ensure that sufficient resources exist in the Department of Defense budget to support end of quarter and fiscal year end strengths.
- (c) Prescribe end of quarter strength levels for the first three quarters of the fiscal year after the annual end strength levels are authorized by law.
- (d) Annually establish for each armed force the maximum permissible variance from authorized end of quarter strengths.
- (e) Notify Congress whenever the Secretary of Defense establishes or modifies an end of quarter end strength.

Subtitle B - Reserve Forces

Section 411 (End strengths for Selected Reserve): Establishes the Marine Corps Reserve's end strength at 39,600 (an increase of 42 from FY03). The end strength for the Selected Reserve shall be proportionately reduced by the total authorized strength of units organized to serve as units of the Selected Reserve on

active duty (other than for training) at the end of the fiscal year, and by the total number of individual members not in units organized to serve as units of the Selected Reserve on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Section 412 (End strengths for Reserves on active duty in support of the Reserves): Establishes the end strength of Marine Corps Reserves authorized to serve on active duty in support of the Reserves at 2,261 (no change from FY03).

Subtitle C - Authorizations of Appropriations

Section 421 (Military Personnel): Authorizes \$98,908,400,000 to be appropriated to the Department of Defense for military personnel in FY04.

Section 422 (Armed Forces Retirement Home): Authorizes \$65,279,000 to be appropriated from the Armed Forces Retirement Home Trust Fund for the operation of the Armed Forces Retirement Home in FY04.

TITLE V - MILITARY PERSONNEL POLICY

Subtitle A - Officer Personnel Matters

Section 501 (Standardization of qualifications for appointment as service chief):

(a) Amends 10 USC §5033(a)(1), which establishes the procedures for appointing the Chief of Naval Operations, by amending the language used to describe the officers eligible to be appointed as Chief of Naval Operations. As amended, 10 USC §5033(a)(1) enlarges the group of officers eligible to be appointed as Chief of Naval Operations by striking the language "from officers on the active-duty list in the line of the Navy who are eligible to command at sea and who hold the grade of rear admiral or above" and inserting the language "from the flag officers of the Navy."

(b) Amends 10 USC §5043(a)(1), which establishes the procedures for appointing the Commandant of the Marine Corps, by amending the language used to describe the officers eligible to be appointed as Commandant of the Marine Corps. As amended, 10 USC §5043(a)(1) enlarges the group of officers eligible to be appointed as the Commandant of the Marine Corps by striking the language "from officers on the active-duty list of the Marine Corps not below the grade of colonel" and inserting the language "from the general officers of the Marine Corps."

Section 504 (Repeal of termination provisions for certain authorities relating to management of general and flag officers):

Made permanent the provisions of Title 10 relating to joint 4-star officer positions (§604), distribution of general and flag officers (§525), and exclusion from general and flag officer end-strength for joint duty assignments (§526) which would have terminated at the end of FY 2003.

Section 506 (Permanent authority to reduce three-year time-in grade requirement for retirement in grade for officers in grades above major and lieutenant commander):

(a) Amends 10 USC §1370(a)(2)(A), which establishes restrictions on the retired grade of commissioned officers. As amended, 10 USC §1370(a)(2)(A) gives the Secretary of Defense permanent authority to reduce the three year active duty requirement that a commissioned officer, in a grade above major or lieutenant commander, must serve in order to be eligible for voluntary retirement in that grade, to not less than two years.

(b) Amends 10 USC §1370(d)(5)(A), which establishes restrictions on the retired grade of reserve commissioned officers. As amended, 10 USC §1370(d)(5)(A) gives the Secretary of Defense permanent authority to reduce the three year active duty requirement that a reserve commissioned officer, in a grade above major or lieutenant commander, must serve in order to be eligible for voluntary retirement in that grade, to not less than two years.

Section 507 (Contingent exclusion from officer strength and distribution-in-grade limitations for officer serving as Associate Director of Central Intelligence for Military Support):

Amends 10 USC §528 to establish that an officer of the armed forces assigned to the position of Associate Director of Central Intelligence for Military Support, while serving in that position, will not be counted against the numbers and percentages of officers of the grade of that officer authorized for that officer's armed force.

Section 508 (Reappointment of incumbent Chief of Naval Operations): Expands the power given to the President by 10 USC §5033(a)(1), which establishes procedures for appointing the Chief of Naval Operations, by authorizing the President, by and with the advice and consent of the Senate, to reappoint the officer serving as Chief of Naval Operations on 1 October 2003 for an additional term not to exceed more than two years.

Section 509 (Secretary of Defense approval required for practice of wearing uniform insignia of higher grade known as "frocking"):

Amends 10 USC §777(b), which establishes restrictions on the practice of frocking commissioned officers of the armed forces. The amendment makes the following changes to 10 USC 777(b):

(a) Requires the approval of the Secretary of Defense, or the approval of a civilian officer within the Office of the Secretary of Defense to whom the Secretary of Defense delegates such approval authority, to frock an officer selected for promotion to a grade above colonel, or to a grade above captain for an officer in the Navy, and

(b) An officer selected for promotion to a grade above colonel, or to a grade above captain for an officer in the Navy, is not authorized to wear the insignia of that next higher grade until a period of thirty days has elapsed after the Secretary of Defense has submitted to Congress a written notification of the intent to authorize the frocking of that officer.

(c) These amendments are effective on the date this act is enacted.

Subtitle B - Reserve Component Matters

Section 511 (Streamlined process for continuation of officers on the Reserve Active-Status List):

(a) Amends 10 USC §14701(a), which establishes procedures for the continuation of officers on the Reserve Active-Status List (RASL). As amended, 10 USC §14701(a) no longer requires the convening of a selection board to consider an officer for continuation in the armed forces, instead, regulations prescribed by the Secretary of Defense will be used to consider officers for continuation in the armed forces.

(b) Amends 10 USC §14101(b), which establishes procedures for the convening of reserve selection boards. The amendment removes the requirement for the Secretary of a military department to convene a selection board to recommend officers of that armed force on the RASL for continuation.

Section 512 (Consideration of Reserve officers for position vacancy promotions in time of war or national emergency): Amends 10 USC §14317(e), which establishes promotion procedures for reserve officers called to active duty during time of war or national emergency. As amended, 10 USC §14317(e) now authorizes a reserve officer called to active duty during time of war or emergency to be considered for promotion by a vacancy promotion board. An officer may not be considered for a vacancy promotion board after the end of a two-year period beginning on the date the officer is ordered to active duty.

Section 513 (Authority for delegation of required secretarial special finding for placement of certain retired members in Ready Reserve): Amends 10 USC §10145(d), which establishes procedures to place members of the armed forces in the Ready Reserve. As amended, 10 USC §10145(d) authorizes the Secretary of a military department to delegate their authority to place any qualified member of a reserve component or any qualified retired enlisted member of a regular component in the Ready Reserve. This authority cannot be delegated to:

- (a) A civilian officer or employee of the military department concerned below the level of Assistant Secretary; or
- (b) A member of the armed forces below the level of the lieutenant general or vice admiral in an armed force with responsibility for military personnel policy in that armed force.

Section 515 (Expanded authority for use of Ready Reserve in response to terrorism): Amends 10 USC §12304, which establishes procedures for ordering members of the Selected Reserve and Individual Ready Reserve to active duty for reasons other than war or national emergency. As amended, 10 USC §12304 limits the use of reserve component personnel and units in responding to a terrorist attack or threatened terrorist attack in the United States to those attacks that result, or could result, in significant loss of life or property, and only if the President determines that the requirements for responding to such an emergency have exceeded, or will exceed, the response capabilities of local, state, and federal civilian agencies.

Subtitle C - ROTC and Military Service Academies

Section 521 (Expanded educational assistance authority for cadets and midshipmen receiving ROTC scholarships): Amends 10 USC §2107(c), which establishes procedures for the Secretary of a military department to provide financial assistance to a cadet or midshipman in the Senior Reserve Officers' Training Corps (SROTC) for tuition, fees, books, and laboratory expenses at an approved academic institution. As amended, 10 USC §2107(c) authorizes the Secretary of a military department to provide financial assistance in the form of room and board expenses for designated cadets or midshipmen in the SROTC, in lieu of all or part of the financial assistance authorized for tuition, fees, books, and laboratory expenses.

Section 523 (Authority for nonscholarship senior ROTC sophomores to voluntarily contract for and receive subsistence allowance): Amends 37 USC §209 to entitle designated sophomore members of the

SROTC to a monthly subsistence allowance for a period not to exceed twenty months.

Section 526 (Defense task force on sexual harassment and violence at the military service academies):

(a) Requires the Secretary of Defense to establish a Department of Defense task force to examine matters relating to sexual harassment and violence at the United States Naval Academy.

(b) No later than twelve months after the task force has been appointed, the task force will submit to the Secretary of Defense a report recommending ways by which the Department of Defense and Department of the Navy may more effectively address matters relating to sexual harassment and violence at the United States Naval Academy.

(c) The report will include an assessment of, and recommendations for measures to improve, with respect to sexual harassment and violence the following:

- (1) Victims' safety programs.
- (2) Offender accountability.
- (3) Effective prevention of sexual harassment and violence.
- (4) Collaboration among military organizations with responsibility or jurisdiction with respect to sexual harassment and violence.
- (5) Coordination between military and civilian communities, including local support organizations and law enforcement.
- (6) Data collection and case management and tracking.
- (7) Training programs for midshipmen at the United States Naval Academy and for permanent personnel assigned to those academies.
- (9) Responses to sexual harassment and violence at those academies, including standard guidelines.

Section 527 (Actions to address sexual harassment and violence at the service academies):

(a) Requires the Secretary of the Navy to direct the Superintendent of the United States Naval Academy to prescribe a policy on sexual harassment and violence applicable to the personnel of the United States Naval Academy. The policy will be established by 1 June 2004.

(b) The policy on sexual harassment and violence prescribed for the United States Naval Academy will specify the following:

- (1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve academy personnel.
- (2) Procedures that a midshipman should follow in the case of an occurrence of sexual harassment or violence.
- (3) Procedures for disciplinary action in cases of alleged criminal sexual assault involving academy personnel.

(4) Any other sanction authorized to be imposed in a substantiated case of harassment or violence involving academy personnel in rape, acquaintance rape, or any other criminal sexual offense.

(5) Required training on the policy for all academy personnel.

(c) The Superintendent of the Naval Academy will conduct an annual assessment to determine the effectiveness of the academy's policies, training, and procedures on sexual harassment and violence and submit to the Secretary of Defense an annual report containing the following information: The number of sexual assaults, rapes, and other sexual offenses involving academy personnel that have been reported to academy officials during the program year; the number of the reported cases that have been substantiated; and the policies, procedures, and processes implemented by the Secretary of the Navy and the leadership of the Naval Academy in response to sexual harassment and violence.

Subtitle D - Other Military Education and Training Matters

Section 531 (Authority for the Marine Corps University to award the degree of Master of Operational Studies):

(a) Amends 10 USC §7102, which authorizes the Marine Corps University to award a masters degree in military studies upon completion of Command and Staff College. As amended, 10 USC §7102 authorizes the Marine Corps University to award a masters degree in operational studies upon completion of Command and Staff College's School of Advanced Warfighting.

(b) The authority to confer a masters degree in operational studies may not be exercised until the Secretary of Education determines, and certifies to the President of the Marine Corps University, that the requirements established by the Marine Corps University for that degree are in accordance with generally applicable requirements for a degree of master of arts.

Section 532 (Authorization for Naval Postgraduate School to provide instruction to enlisted members participating in certain programs): Amends 10 USC §7045, which authorizes the Secretary of the Navy to permit officers and enlisted members of the armed forces to receive instruction at Naval Postgraduate School. As amended, 10 USC §7045 authorizes the Secretary of the Navy to permit enlisted members of the armed forces to receive instruction at the Naval Postgraduate School in the following programs:

(a) Through attendance at an executive level seminar.

(b) In connection with the pursuit of a degree in information security.

(c) On a space available basis, for enlisted members who are assigned permanently to the staff of Naval Postgraduate School or to a nearby command.

Section 536 (Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees): \$30,000,000 of operation and maintenance funds appropriated under section 301 of this act will be available for the purpose of providing assistance to local educational agencies.

Subtitle E - Administrative Matters

Section 541 (High-tempo personnel management and allowance):

Amends 10 USC §991, which establishes procedures for managing the deployment of members of the armed forces. As amended, 10 USC §991 establishes the following:

(a) A service member may not be deployed, or continued in a deployment, on any day which would exceed the "one year high-deployment threshold" or the "two year high-deployment threshold."

(1) The "one year high-deployment threshold" is defined as 220 days out of the last 365 days, or a lower number prescribed by the Secretary of Defense.

(2) The "two year high-deployment threshold" is defined as 400 days out of the last 730 days, or a lower number prescribed by the Secretary of Defense.

(b) A service member may be deployed, or continued in deployment, beyond the "one year high-deployment threshold" and "two year high-deployment threshold" if approved by the Secretary of Defense.

(c) Amends 37 USC §436, to expand the number of service members eligible for high-deployment per diem allowances. As amended, 37 USC §436 requires the Secretary of Defense to pay a high-deployment allowance to any service member deployed for 191 or more consecutive days, or deployed for a total of 401 or more days out of the preceding 730 days. Reserve service members on active duty are entitled to the high-deployment allowance if the service member:

(1) Is on active duty under orders for a period of more than 30 days, and that order to duty is the second such order to active duty for that member in support of the same contingency operation; or

(2) Is on active duty for a period of more than 30 days if the period begins within one year after the date on which the member was released from previous service on active duty for a period of more than 30 days.

(d) The monthly high-deployment allowance will not exceed \$1000.00 per service member. The payment of the high-deployment allowance will come from the appropriated operation and maintenance funds of the armed service the member is attached.

(e) The Secretary of Defense has the authority to exclude members serving in specified duty assignments from eligibility for the high-deployment allowance.

Section 542 (Enhanced retention of accumulated leave for high-deployment members): Amends 10 USC §701(f), which establishes procedures for entitlement and accumulation of leave. As amended, 10 USC §701(f) authorizes the Secretary of a military department to increase the amount of leave that can be accrued by service members from 90 to 120 days, if the service member is on active duty for 120 continuous days and:

- (a) Is in an area in which the service member is entitled to hazardous duty pay under 37 USC §301(a); or
- (b) Is assigned to a deployable ship or unit.

Section 543 (Standardization of statutory authorities for exemptions from requirement for access to secondary schools by military recruiters): Amends 10 USC §503(c), which gives armed forces recruiters access to secondary schools. As amended, 10 USC §503(c) removes the authority for local educational agencies to vote to deny military recruiters access to secondary schools and student information.

Section 544 (Procedures for consideration of applications for award of the Purple Heart medal to veterans held as prisoners of war before April 25, 1962): Amends Section 521 of the National Defense Authorization Act for FY96 (Public Law 104-106; 110 Stat. 309; 10 USC 1129 note). As amended, the Secretary of a military department will apply the following procedures when considering applications for the Purple Heart medal from veterans who have been held as prisoners of war:

- (a) Failure of the applicant to provide documentation required by the Secretary of a military department will not disqualify the applicant from consideration.
- (b) The Secretary of a military department will consider historical information as to the prison camp or other circumstances in which the applicant was held captive, and the length of time that the applicant was held captive.
- (c) The Secretary of a military department will assist the applicant in obtaining information or identifying the sources of information required for the application.

(d) The Secretary of a military department will review a completed application based upon the totality of the information presented.

Section 545 (Authority for Reserve and retired regular officers to hold state and local office notwithstanding call to active duty): Amends 10 USC §973, which prohibits officers on active duty from holding, or exercising the functions of, a civil office. As amended, 10 USC §973 authorizes a reserve or retired regular officer who serves on active duty for more than 270 days, to hold a civil office in the government of a state, unless otherwise prohibited by the laws of the state or by the Secretary of Defense.

Section 546 (Policy on public identification of casualties): Requires the Secretary of Defense to prescribe the policy of the Department of Defense on the public release of the name or other personally identifying information of any service member who is killed or injured while on active duty or performing inactive duty training. The policy will include guidance to ensure that any public release of information on a service member occurs only after the lapse of an appropriate period following notification of the next-of-kin. This policy will be prescribed no later than 180 days after the enactment of this act.

Section 548 (Department of Defense Joint Advertising, Market Research, and Studies program): Authorizes the Secretary of Defense to carry out a joint advertising, market research, and studies program to complement the recruiting advertising programs of the armed forces and to improve the ability of the armed forces to attract and recruit qualified individuals. \$7,500,000 from the Defense-wide activities operation and maintenance funds may be used to fund this program.

Section 549 (Limitation on force structure reductions in Naval and Marine Corps Reserve aviation squadrons): Prohibits the Secretary of the Navy from reducing or disestablishing a Naval Reserve or Marine Corps Reserve aviation squadron before 1 February 2004.

Subtitle F - Military Justice Matters

Section 551 (Extended limitation period for prosecution of child abuse cases in courts-martial):

(a) Amends Article 43 of the UCMJ (10 USC §843), which establishes a five-year statute of limitations for violations of the UCMJ (Not including the offenses of absence without leave,

missing movement in the time of war, or offenses punishable by death).

(b) As amended, Article 43 of the UCMJ authorizes a service member charged with committing a child abuse offense to be tried by court-martial if the sworn charges and specifications are received before the child attains the age of 25 years by an officer exercising summary court-martial jurisdiction over that service member.

(c) A child abuse offense is defined as an act that involves sexual or physical abuse of a person who has not attained the age of 16 years and constitutes any of the following offenses:

(1) Rape or carnal knowledge in violation Article 120 of the UCMJ.

(2) Maiming in violation of Article 124 of the UCMJ.

(3) Sodomy in violation of Article 126 of the UCMJ.

(4) Aggravated assault or assault consummated by a battery in violation of Article 128 of the UCMJ.

(5) Indecent assault, assault with intent to commit murder, voluntary manslaughter, rape, or sodomy, or indecent acts or liberties with a child in violation of Article 134 of the UCMJ.

Section 552 (Clarification of blood alcohol content limit for the offense under the Uniform Code of Military Justice of drunken operation of a vehicle, aircraft, or vessel): Amends Article 111 of the UCMJ (10 USC §911), which criminalizes the drunken or reckless operation of a vehicle, aircraft, or vessel. As amended, the applicable concentration of alcohol in a service member's blood or breath for purposes of violating Article 111 of the UCMJ is the lesser of:

(a) The applicable state blood alcohol level where the conduct occurred, or

(b) 0.10 grams or more of alcohol per 100 milliliters of blood or breath.

Subtitle G - Benefits

Section 562 (Authority to transport remains of retirees and retiree dependents who die in military treatment facilities):

Amends 10 USC §1490, which establishes procedures for transporting the remains of retired service members and their dependents who die in military medical facilities. As amended, 10 USC §1490 expands the power of the Secretary of a military department to authorize the transport of the remains of a service member or their dependents who die in military medical facilities to places of burial in the continental United States and overseas, if certain prescribed conditions are met.

Section 563 (Eligibility for dependents of certain mobilized reservists stationed overseas to attend defense dependents' schools overseas): Amends 20 USC §923, the Defense Dependents' Education Act of 1978, by expanding the eligibility of space available, tuition free attendance at Department of Defense Dependent Schools overseas, to children of reserve service members called to active duty if the service members:

- (a) Are on active duty orders under 10 USC §12301 or §12302;
- (b) Were ordered to active duty from a location in the United States (other than in Alaska or Hawaii); and
- (c) Are serving on active duty outside the United States or in Alaska or Hawaii.

Subtitle H - Domestic Violence

Section 571 (Travel and transportation for dependents relocating for reasons of personal safety): Amends 37 USC §406(h), which establishes procedures for the payment of travel and moving allowances. As amended, 37 USC §406(h) expands the authority of the Secretary of a military department to authorize payment of travel and transportation allowances to the dependents of a service member who are victims of domestic violence and have requested relocation. These travel and transportation benefits are provided to dependents in lieu of providing such benefit to the service member. These benefits can be provided to dependents only when the commanding officer of the service member involved has determined the service member has committed a dependent abuse offense.

Section 572 (Commencement and duration of payment of transitional compensation): Amends 10 USC §1059(e), which authorizes the payment of transitional compensation to dependents of service members who are the victims of dependent abuse offenses. As amended, 10 USC §1059(e) authorizes the payment of transitional compensation to dependents starting on the date a service member is sentenced at court-martial for dependent abuse violations of the UCMJ, if prescribed conditions are met. Such transitional payments can be distributed to dependents for a period of not less than 12 months and not more than 36 months.

Section 573 (Exceptional eligibility for transitional compensation): Amends 10 USC §1059, which provides commissary and exchange benefits, and the payment of transitional compensation to dependents of service members who are the victims of dependent abuse offenses. As amended, 10 USC §1059 expands the authority of the Secretary of a military department to provide transitional compensation and commissary and exchange

benefits to dependents, or former dependents, of service members who are separated from the armed forces, who are not otherwise eligible to receive such benefits. Prior to providing such benefits, the Secretary of a military department must determine that the former service member engaged in conduct that is a dependent-abuse offense.

Section 574 (Types of administrative separations triggering coverage): Amends 10 USC §1059(b)(2) to expand the coverage of transitional compensation paid to the dependents of service members who are the victims of dependent abuse offenses. As amended, 10 USC §1059(b)(2) expands the authority of the Secretary of a military department to provide transitional compensation to the dependents of a service member on active duty who was voluntarily, or involuntarily, administratively separated from the armed forces for dependent-abuse offenses.

Section 575 (Comptroller General review and report): Requires the Comptroller General to review and assess the progress of the Department of Defense in implementing the recommendations of the Defense Task Force on Domestic Violence. In reviewing the status of the Department of Defense efforts, the Comptroller General should focus on:

- (a) The efforts of the Department of Defense to ensure confidentiality of victims and accountability and education of commanding officers and chaplains; and
- (b) The resources that the Department of Defense has provided toward such implementation, including personnel, facilities, and other administrative support.

Section 576 (Fatality reviews):

(a) Creates 10 USC §6036 to require the Secretary of the Navy to conduct a multidisciplinary, impartial "fatality review" in the case of each fatality known or suspected to have resulted from domestic violence or child abuse against any of the following:

- (1) A member of the naval service on active duty.
- (2) A current or former dependent of a member of the naval service on active duty.
- (3) A current or former intimate partner who has a child in common or has shared a common domicile with a member of the naval service on active duty.

(b) The "fatality review" will, at a minimum, include:

- (1) An executive summary.
- (2) Data setting forth victim demographics, injuries, autopsy findings, homicide or suicide methods, weapons, police information, assailant demographics, and household and family information.

- (3) Legal disposition.
- (4) System intervention and failures, if any, within the Department of Defense.
- (5) A discussion of significant findings.
- (6) Recommendations for systemic changes, if any, within the Department of the Navy and the Department of Defense.
- (c) The Secretary of Defense will prescribe guidance, which shall be uniform for the military departments, for the conduct of reviews by the Secretary of a military department.

Section 577 (Sense of Congress): It is the recommendation of Congress that:

- (a) The Secretary of Defense should develop a Department of Defense strategic plan for domestic violence that incorporates the core principles of domestic violence intervention identified by the Defense Task Force on Domestic Violence; and
- (b) The Secretary of each military department should establish and support a Victim Advocate Protocol as recommended by the Defense Task Force on Domestic Violence.

Subtitle I - Other Matters

Section 581. (Recognition of military families): Requires the Secretary of Defense to:

- (a) Implement and sustain programs, including appropriate ceremonies and activities, to recognize and honor the contributions of the American military families of both active and reserve component military personnel;
- (b) Focus the celebration of the American military family during a specific period of each year; and
- (c) Seek the assistance and support of appropriate civilian organizations, associations, and other entities in carrying out the annual celebration of the American military family, and in sustaining other, longer-term efforts to support the American military family.

Section 582 (Permanent authority for support for certain chaplain-led military family support programs): Creates 10 USC §1789, which authorizes the Secretary of a military department to provide support services to chaplain-led programs to assist members of the armed forces on active duty and their immediate family members, and members of reserve components in an active status and their immediate family members, in building and maintaining a strong family structure. The support authorized to be provided includes costs of transportation, food, lodging, child-care, supplies, fees, and training materials.

Section 583 (Department of Defense-Department of Veterans Affairs Joint Executive Committee): Creates 38 USC §320, which establishes the Department of Veterans Affairs-Department of Defense Joint Executive Committee to serve as an inter-agency body able to recommend changes in policies, procedures, and practices that would promote beneficial coordination, use, or exchange of services and resources between the two Departments. The goal of the committee is to improve the quality, efficiency and effectiveness of the delivery of benefits and services to veterans, service members, military retirees, and their families through an enhanced Department of Veterans Affairs and Department of Defense partnership.

Section 584 (Review of the 1991 death of Marine Corps Colonel James E. Sabow):

(a) Requires the Secretary of Defense to commence a review of the death of Colonel James S. Sabow, USMC, who died on 22 January 1991, at the MCAS El Toro, California, no later than 60 days after the enactment of this act.

(b) The focus of the review will be to determine the cause of the death of Colonel Sabow.

(c) The Secretary of Defense will provide the evidence and medical and forensic factors concerning the cause of death of Colonel Sabow to medical and forensic experts outside the Department of Defense to be reviewed.

(d) The Secretary of Defense will submit to the Committee on Armed Services of the Senate and the Committee of Armed Services of the House of Representatives a written report on the findings of the review no later than six months after the enactment of this act.

Section 585 (Policy on concurrent deployment to combat zones of both military spouses of military families with minor children):

Requires the Secretary of Defense to prescribe the policy of the Department of Defense on concurrent deployment to a combat zone of both spouses of a dual-military family with one or more minor children no later than 180 days after the enactment of this act.

Section 586 (Congressional notification of amendment or cancellation of Department of Defense directive relating to reasonable access to military installations for certain personal commercial solicitation):

Establishes that amendment or cancellation of Department of Defense Directive 1344.7, Personal Commercial Solicitation on DoD Installations, will not take effect until the end of a 30 day period beginning on the date the Secretary of Defense submits to Congress notice of the proposed amendment or cancellation of the directive and the reasons for

such amendment or cancellation. The 30 day period prior to amendment or cancellation of the directive will enable all stakeholders in commercial solicitation on military installations to contribute factual information and recommendations to improve the policy.

Section 588 (Findings and sense of Congress on reward for information leading to resolution of status of members of the Armed Forces who remain unaccounted for): The Department of Defense estimates that there are more than 10,000 service members who were placed in a missing status or a prisoner of war status during the Korean War or Vietnam War, or were determined to have been killed in action. The remains of most of those service members have not been recovered, and they remain unaccounted for. It is the sense of Congress that the Secretary of Defense should:

- (a) Use the authority available to disburse funds rewarding individuals who provide information leading to the conclusive resolution of the status of any missing member of the armed forces; and
- (b) Authorize and publicize a reward of \$1,000,000 for information resolving the fate of any member of the armed forces, who the Secretary of Defense has reason to believe may be alive in captivity.

TITLE VI - COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A - Pay and Allowances

Section 601 (Increase in basic pay for fiscal year 2004): Authorizes increases in basic pay effective 1 January 2004 as summarized in the chart below. Years of service are computed under 37 USC §205.

COMMISSIONED OFFICERS

Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-10	0.00	0.00	0.00	0.00	0.00
O-9	0.00	0.00	0.00	0.00	0.00
O-8	7,751.10	8,004.90	8,173.20	8,220.60	8,430.30
O-7	6,440.70	6,739.80	6,878.40	6,988.50	7,187.40
O-6	4,773.60	5,244.30	5,588.40	5,588.40	5,609.70
O-5	3,979.50	4,482.90	4,793.40	4,851.60	5,044.80
O-4	3,433.50	3,974.70	4,239.90	4,299.00	4,545.30
O-3	3,018.90	3,422.40	3,693.90	4,027.20	4,220.10
O-2	2,608.20	2,970.60	3,421.50	3,537.00	3,609.90
O-1	2,264.40	2,356.50	2,848.50	2,848.50	2,848.50

	Over 8	Over 10	Over 12	Over 14	Over 16
O-10	0.00	0.00	0.00	0.00	0.00
O-9	0.00	0.00	0.00	0.00	0.00
O-8	8,781.90	8,863.50	9,197.10	9,292.80	9,579.90
O-7	7,384.20	7,611.90	7,839.00	8,066.70	8,781.90
O-6	5,850.00	5,882.10	5,882.10	6,216.30	6,807.30
O-5	5,161.20	5,415.90	5,602.80	5,844.00	6,213.60
O-4	4,809.30	5,137.80	5,394.00	5,571.60	5,673.60
O-3	4,431.60	4,568.70	4,794.30	4,911.30	4,911.30
O-2	3,609.90	3,609.90	3,609.90	3,609.90	3,609.90
O-1	2,848.50	2,848.50	2,848.50	2,848.50	2,848.50

	Over 18	Over 20	Over 22	Over 24	Over 26
O-10	0.00	12,524.70	12,586.20	12,847.80	13,303.80
O-9	0.00	10,954.50	11,112.30	11,340.30	11,738.40
O-8	9,995.70	10,379.10	10,635.30	10,635.30	10,635.30
O-7	9,386.10	9,386.10	9,386.10	9,386.10	9,433.50
O-6	7,154.10	7,500.90	7,698.30	7,897.80	8,285.40
O-5	6,389.70	6,563.40	6,760.80	6,760.80	6,760.80
O-4	5,733.00	5,733.00	5,733.00	5,733.00	5,733.00
O-3	4,911.30	4,911.30	4,911.30	4,911.30	4,911.30
O-2	4,609.50	3,609.50	3,609.50	3,609.50	3,609.50
O-1	2,848.50	2,848.50	2,848.50	2,848.50	2,848.50

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN
ENLISTED MEMBER OR WARRANT OFFICER

Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-3E	0.00	0.00	0.00	4,027.20	4,220.10
O-2E	0.00	0.00	0.00	3,537.00	3,609.90
O-1E	0.00	0.00	0.00	2,848.50	3,042.30

	Over 8	Over 10	Over 12	Over 14	Over 16
O-3E	4,431.60	4,568.70	4,794.30	4,984.20	5,092.80
O-2E	3,724.80	3,918.60	4,068.60	4,180.20	4,180.20
O-1E	3,154.50	3,269.40	3,382.20	3,537.00	3,537.00

	Over 18	Over 20	Over 22	Over 24	Over 26
O-3E	5,241.30	5,241.30	5,241.30	5,241.30	5,241.30
O-2E	4,180.20	4,180.20	4,180.20	4,180.20	4,180.20
O-1E	3,537.00	3,537.00	3,537.00	3,537.00	3,537.00

WARRANT OFFICERS

Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W-5	0.00	0.00	0.00	0.00	0.00
W-4	3,119.40	3,355.80	3,452.40	3,547.20	3,710.40
W-3	2,848.80	2,967.90	3,089.40	3,129.30	3,257.10
W-2	2,505.90	2,649.00	2,774.10	2,865.30	2,943.30
W-1	2,212.80	2,394.00	2,515.20	2,593.50	2,802.30
	Over 8	Over 10	Over 12	Over 14	Over 16
W-5	0.00	0.00	0.00	0.00	0.00
W-4	3,871.50	4,035.00	4,194.30	4,359.00	4,617.30
W-3	3,403.20	3,595.80	3,786.30	3,988.80	4,140.60
W-2	3,157.80	3,321.60	3,443.40	3,562.20	3,643.80
W-1	2,928.30	3,039.90	3,164.70	3,247.20	3,321.90
	Over 18	Over 20	Over 22	Over 24	Over 26
W-5	0.00	5,360.70	5,544.30	5,728.80	5,914.20
W-4	4,782.60	4,944.30	5,112.00	5,277.00	5,445.90
W-3	4,291.80	4,356.90	4,424.10	4,570.20	4,716.30
W-2	3,712.50	3,843.00	3,972.60	4,103.70	4,103.70
W-1	3,443.70	3,535.80	3,535.80	3,535.80	3,535.80

ENLISTED MEMBERS

Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9	0.00	0.00	0.00	0.00	0.00
E-8	0.00	0.00	0.00	0.00	0.00
E-7	2,145.00	2,341.20	2,430.60	2,549.70	2,642.10
E-6	1,855.50	2,041.20	2,131.20	2,218.80	2,310.00
E-5	1,700.10	1,813.50	1,901.10	1,991.10	2,130.60
E-4	1,558.20	1,638.30	1,726.80	1,814.10	1,891.50
E-3	1,407.00	1,495.50	1,585.50	1,585.50	1,585.50
E-2	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70
E-1	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9	0.00	3,769.20	3,854.70	3,962.40	4,089.30
E-8	3,085.50	3,222.00	3,306.30	3,407.70	3,517.50
E-7	2,801.40	2,891.10	2,980.20	3,139.80	3,219.60
E-6	2,516.10	2,596.20	2,685.30	2,763.30	2,790.90
E-5	2,250.90	2,339.70	2,367.90	2,367.90	2,367.90
E-4	1,891.50	1,891.50	1,891.50	1,891.50	1,891.50
E-3	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50
E-2	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70
E-1	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40

	Over 18	Over 20	Over 22	Over 24	Over 26
E-9	4,216.50	4,421.10	4,594.20	4,776.60	5,054.70
E-8	3,715.50	3,815.70	3,986.40	4,081.20	4,314.30
E-7	3,295.50	3,341.70	3,498.00	3,599.10	3,855.00
E-6	2,809.80	2,809.80	2,809.80	2,809.80	2,809.80
E-5	2,367.90	2,367.90	2,367.90	2,367.90	2,367.90
E-4	1,891.50	1,891.50	1,891.50	1,891.50	1,891.50
E-3	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50
E-2	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70
E-1	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40

Section 602 (Revised annual pay adjustment process): Amends 37 USC §1009(a) to require an annual pay increase for members of the armed forces. The previous version authorized pay increases only when the General Schedule of Compensation for Federal Classified Employees was adjusted upward per 5 USC §5303. Also adds new subsection (c), which provides all eligible members with an increase in the monthly basic pay that is equal to the annual increase in the Employment cost Index (ECI). Maintains the existing requirement in law that annual pay raises in fiscal years 2004-2006 equal the annual increase in ECI plus 0.5 percent.

Section 603 (Computation of basic pay rate for commissioned officers with prior enlisted or warrant officer service): Clarifies 37 USC §203, authorizing commissioned officers who have accrued at least 1,460 points for reserve service as a warrant officer, an enlisted member, or as a warrant officer and an enlisted member, to receive basic pay at the same rate as commissioned officers credited with over four years of active duty service as an enlisted member.

Section 604 (Special subsistence allowance authorities for members assigned to high cost duty location or under other unique and unusual circumstances): Creates 37 USC §402(f), which enables the Secretary of Defense to authorize a member of the armed forces (who is not entitled to the meals portion of the per diem in connection with an assignment in a high-cost duty location or under other unique and unusual circumstances) to receive any or all of the following:

- (a) Meals at no cost to the member, regardless of the entitlement of the member to basic allowance for subsistence.
- (b) A basic allowance for subsistence at the standard rate, regardless of the entitlement of the member for all meals or select meals during the duty day.

(c) A supplemental subsistence allowance at a rate higher than the basic allowance for subsistence rates in effect under 37 USC §402, regardless of the entitlement of the member for all meals or select meals during the duty day.

Section 605 (Basic allowance for housing for each member married to another member without dependents when both spouses are on sea duty): Amends 37 USC §403(f)(2)(C), which authorizes two married members of the armed forces in a pay grade below E-6, with no other dependent, and who are both simultaneously assigned to sea duty, to each receive a basic allowance for housing corresponding to their rank. The previous version of the statute required such married couples to receive a single BAH based on the senior member's rank. This section will take effect 1 October 2003.

Section 606 (Temporary increase in authorized amount of family separation allowance): Creates 37 USC §427(e), which increases the monthly Family Separation Allowance from \$100 to \$250, beginning 1 October 2003 and ending 31 December 2004.

Subtitle B - Bonuses and Special and Incentive Pays

Section 611 (One year extension of certain bonus and special pay authorities for reserve forces): Extends the authority for the selected reserve reenlistment bonus, the selected reserve enlistment bonus, special pay for enlisted members of the selected reserve assigned to certain high priority units, the selected reserve affiliation bonus, the ready reserve enlistment and reenlistment bonus, and the prior service enlistment bonus until 31 December 2004.

Section 614 (One-year extension of other bonus and special pay authorities): Extends the authority under 37 USC §301b(a) for qualifying service members to receive the aviation officer retention bonus, the reenlistment bonus for active members, the enlistment bonus for active members, the retention bonus for members with critical military skills and the accession bonus for new officers in critical skills until 31 December 2004.

Section 616 (Special pay for reserve officers holding positions of unusual responsibility and of critical nature): Creates 37 USC §306(a)(2), which authorizes reserve component officers (in pay grade 0-6 and below) to receive special pay in billets designated by the Secretary of a military department as requiring unusual responsibility and being of a critical nature to the service concerned. The previous version of the statute limited application to active component officers. The rate received by a

reserve officer receiving such pay shall be 1/30th of the monthly rate authorized (\$150 for 0-6, \$100 for 0-5, \$50 for 0-4 and below) for each day performing such duties. Limits the total number of officers receiving such pay to 5% of the 0-3s and below, and to 10% of 0-4s to 0-6s.

Section 617 (Payment of Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized): Clarifies 37 USC §308b by adding subsection (b). As amended, a Reservist ordered to active duty who is entitled to a Selected Reserve Reenlistment Bonus remains eligible to receive any bonus payments that become payable during such active duty.

Section 618 (Availability of hostile fire and imminent danger special pay for reserve component members on inactive duty): Clarifies 37 USC §310, authorizing hostile fire/imminent danger pay of \$150 a month to both active duty and reserve component service members who were either subject to, or in imminent danger of, being exposed to hostile fire. This provision is effective 11 September 2001. Up to three months of hostile fire pay continuation is authorized while a service member is hospitalized.

Section 619 (Temporary increase in authorized amount of hostile fire and imminent danger special pay): Increases the monthly amount of hostile fire pay from \$150 to \$225, effective from 1 October 2003 to 31 December 2004.

Section 620 (Retroactive payment of hostile fire or imminent danger pay for service in Eastern Mediterranean Sea in Operation Iraqi Freedom): Authorizes the Secretary of Defense to award hostile fire pay under 37 USC §310(a) to members of the armed forces who were assigned to duty during the period of 19 March 2003 to 11 April 2003, at any time, in the Mediterranean Sea east of 30 degrees East Longitude (sea area only).

Section 621 (Expansion of overseas tour extension incentive program to officers): Amends 37 USC §314, to authorize the Secretary of a military department to pay overseas extension special pay to officers who agree to extend their overseas tour for a minimum of one year. The monthly maximum payment is \$80, and the annual payment maximum is \$2000. Amends 10 USC §705, to authorize rest and recuperative leave to officers who elect that option in lieu of special pay. Authorizes 30 days rest and recuperative leave, or 15 days leave with round-trip transportation to the nearest port in the "lower 48."

Section 622 (Repeal of congressional notification requirement for designation of critical military skills for retention bonus):

Repeals 37 USC §323(b), which previously required the Secretary of Defense to notify Congress prior to designating certain military skills as critical for purposes of authorizing retention bonuses.

Section 623 (Eligibility of warrant officers for accession bonus for new officers in critical skills): Amends 37 USC §324(a) and (f)(1), to authorize warrant officers an accession bonus (maximum of \$60,000) in billets designated as critical officer skills. As amended, warrant officers commissioned, or appointed, are eligible for this bonus.

Section 624 (Special pay for service as member of Weapons of Mass Destruction Civil Support Team): Creates 37 USC §305(b), which authorizes the Secretary of a military department to pay a maximum of \$150 monthly special pay to members assigned to the Weapons of Mass Destruction Civil Support Team. The Secretary of a military department must determine that the payment of such special pay is needed to address recruitment or retention concerns in that armed force. Reservists performing inactive duty training are entitled to 1/30th of the special pay for each day they serve on the Weapons of Mass Destruction Civil Support Team.

Section 625 (Incentive bonus for conversion to military occupational specialty to ease personnel shortage): Creates 37 USC §326, which authorizes the Secretary of a military department to pay a bonus to service members who execute a written agreement to convert to and serve for a period of not less than three years in a military occupational specialty for which there is a shortage of trained and qualified personnel. The bonus (maximum of \$4,000, lump-sum upon conversion of MOS) is available to E-6 members with ten years or less service, and to E-5s and below regardless of years of service.

Section 626 (Bonus for reenlistment during service on active duty in Afghanistan, Iraq, or Kuwait): Creates 37 USC §308(a)(5), which authorizes the Secretary of Defense to waive the requirement of serving in a designated critical skill prior to receiving a reenlistment bonus, if the service member is serving on active duty in Afghanistan, Iraq, or Kuwait in support of OEF/OIF. This amendment applies retroactively to 18 March 2003.

Subtitle C - Travel and Transportation Allowances

Section 631 (Shipment of privately owned motor vehicle within continental United States):

Amends 10 USC §2634(h), which authorizes the Secretary of a military department to authorize a service member to arrange for the shipment of his/her privately owned vehicle (POV) in lieu of transportation at the expense of the Government. The member remains responsible for any cost in excess of the allowance. Applies in the following situations:

- (a) An authorized change in homeport of a vessel.
- (b) A transfer or assignment between two permanent stations in the continental United States when:
 - (1) The member cannot, because of injury or the conditions of the order, drive the motor vehicle between the permanent duty stations; or
 - (2) The Secretary of the military department concerned determines that it is advantageous and cost-effective to the United States for one motor vehicle of the member to be transported between the permanent duty stations.

Section 632 (Transportation of dependents to presence of members of the Armed Forces retired for illness or injury incurred in active duty):

Amends 37 USC §411h(a), which authorizes transportation for not more than two family members to visit a hospitalized member described below, if the attending physician or surgeon and the commander or head of the military medical facility exercising control (previous version required "military control") over the member determine that the presence of the family member may contribute to the member's health and welfare. Applies to a member of the uniformed services who:

- (a) Is serving on active duty, is entitled to pay and allowances under 37 USC 204(g) (members of Reserve components), or is retired for the illness or injury referred to in subparagraph (B);
- (b) Is seriously ill, seriously injured, or in a situation of imminent death, whether or not electrical brain activity still exists or brain death is declared; and
- (c) Is hospitalized in a medical facility in or outside the United States.

Section 633 (Payment or reimbursement of student baggage storage costs for dependent children of members stationed overseas):

Amends 37 USC §430, which authorizes an overseas member with a dependant attending school inside CONUS an annual transportation allowance for the dependant to visit the sponsor's overseas station. At the option of the member, in lieu of the transportation of baggage of a dependent child from the dependent's school, the Secretary of the military department concerned may pay or reimburse the member for costs incurred to store the baggage at or in the vicinity of the school during the

dependent's annual trip between the school and the member's duty station. The member may select any period in the same fiscal year in which to store the dependant's baggage (regardless of actual visit), but the amount of the payment or reimbursement may not exceed the cost that the Government would incur to transport the baggage.

Section 634 (Contracts for full replacement value for loss or damage to personal property transported at Government expense):

Creates 10 USC § 2636a, which authorizes the Secretary of Defense to include in a contract for the transportation of baggage and household effects for members of the armed forces (at Government expense) a clause that requires the carrier under the contract to pay the full replacement value for loss or damage to effects transported under the contract. The amount equal to the full replacement value for the baggage or household effects may be deducted from the amount owed by the United States to the carrier upon a failure of the carrier to settle a claim within a reasonable time. The amount so deducted shall be remitted to the claimant. The Secretary of Defense shall prescribe policies and procedures for validating and evaluating claims, validating proper claimants, and determining reasonable time for settlement. "Transportation" under this section includes packing, crating, drayage, temporary storage, and unpacking of the baggage or household effects.

Section 635 (Payment of lodging expenses of members during authorized leave from temporary duty location):

Creates 37 USC §404b, which authorizes the Secretary of a military department to pay or reimburse a service member assigned to temporary duty, as described below, for lodging expenses incurred while the service member is in an authorized leave status. The amount paid or reimbursed for a member may not exceed the lesser of the actual daily cost of lodging incurred by the member at the temporary duty location while the member was in an authorized leave status and the lodging portion of the applicable daily per diem rate for the temporary duty location. Applies to service members assigned to temporary duty for a period of more than 30 days in support of a contingency operation if the service member:

- (a) Immediately before taking the authorized leave, was performing the temporary duty at a location away from the home or permanent duty station of the member;
- (b) Was receiving a per diem allowance to cover lodging and subsistence expenses incurred at the temporary duty location because quarters of the United States were not available for assignment to the member at that location; and

(c) Immediately after completing the authorized leave, returns to the duty location.

Subtitle D - Retired Pay and Survivor Benefits

Section 641 (Phase-in of full concurrent receipt of military retired pay and veterans disability compensation for certain military retirees): Amends 10 USC §1414 as follows:

(a) Effective 1 January 2004, a service member or former service member of the armed forces who is entitled for any month to retired pay and who is also entitled for that month to veterans' disability compensation for a qualifying service-connected disability (rated not less than 50%) is entitled to be paid both for that month. The retired pay of a member medically retired with 20 years of service at the time of retirement is subject to reduction, but only to the extent that the retired pay exceeds that which the member would have been entitled to under any other provision of law.

(b) During the period beginning on 1 January 2004 and ending on 31 December 2013, retired pay payable to a qualified retiree shall be determined as follows:

(1) CALENDAR YEAR 2004: For a month during 2004, the amount of retired pay in excess of the Current Baseline Offset (CBO) (The term CBO means the lesser amount of the monthly retired pay and disability compensation the member is entitled to) plus the following:

Disability Rating	Increase
Total	\$750
90%	\$500
80%	\$350
70%	\$250
60%	\$125
50%	\$100

(2) CALENDAR YEAR 2005: For a month during 2005, the amount of retired pay payable to a qualified retiree equals the total CY04 monthly amount plus 10% of the difference between the CBO and the amount specified above for that member's disability.

(3) For Calendar Years 2006-2013: The monthly total equals the previous year's monthly entitlement plus an increasing percentage (20% in CY06, 90% in CY13) of the difference between the CBO and the member's monthly entitlement from the previous year.

(c) A person who is a qualified retiree and is also an eligible combat-related disabled retiree under 10 USC §1413a may receive special compensation in accordance with that section or retired pay in accordance with this section, but not both. The Secretaries of the military departments (subject to approval by

the Secretary of Defense) will provide for an annual "open season" during which a person shall have the right to make an election to change from receipt of special compensation to receipt of retired pay, or vice versa.

(d) These amendments will take effect on 1 January 2004.

Section 642 (Revisions to combat-related disabilities rated below 60 percent): Amends 10 USC §1413a(e), authorizing payment of special compensation for combat-related disabilities, as enacted in the FY 03 NDAA (Public Law 107-314), to all retirees who are eligible under the criteria set forth for a combat-related disability, including those whose disability is 50 percent or less, and a process for coordination with concurrent receipt of both military retired pay and veterans' disability compensation.

Section 643 (Special rule for computation of retired pay base for commanders of combatant commands): Amends 10 USC §1406(i), to increase the rate of retired pay for combatant commanders to correspond with that of the service chiefs, effective on date of enactment of this act.

Section 644 (Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training):

(a) Extends benefits under 10 USC §1448(f) under the Survivor Benefit Plan to surviving spouses of reservists not eligible for retirement who die from an injury or illness incurred or aggravated in the line of duty during inactive-duty training.

(b) This provision is effective as of 10 September 2001.

(c) Congress directs the Secretary of Defense to issue regulations, by 1 March 2004, to provide needed direction to the armed forces on how they should proceed in cases involving expedited approval of physical disability retirement and election of Survivor Benefit Plan beneficiaries when death of a service member is imminent.

Section 645 (Survivor Benefit Plan modifications):

(a) Amends 10 USC §1448(d)(2)(B), to authorize the Secretary of a military department to pay an annuity to a service member's dependant children, in the case of a qualifying member who dies on or after the date of the enactment of this act, and for whom there is a surviving spouse eligible for an annuity. The Secretary of the military department may pay an annuity to the member's dependent children under section 10 USC §1450(a)(3) instead of paying an annuity to the surviving spouse, if the Secretary of the military department determines, after consulting the surviving spouse, it is appropriate.

(b) Creates 10 USC §1448(b)(1)(F), which authorizes a service member medically retired on, or after, the date of the enactment of this act, who dies within one year after the date on which the service member is so retired, and the cause of death is related to a disability for which the member was medically retired, to make an election to provide an SBP annuity to any person other than a dependent of that member is vitiated; and the amounts by which the member's retired pay was reduced under 10 USC §1452 will be refunded and paid to the person to whom the annuity would have been paid pursuant to such election.

(c) Creates 10 USC §1458(J), which vitiates a similarly situated deceased member's election to provide a supplemental spouse annuity (refunding reductions in retirement pay to the intended recipient).

(d) Further amends 10 USC §1448(d), holding that in the case of a qualifying member who dies on or after the date of the enactment of this act, the Secretary of a military department may, if no other annuity is payable on behalf of the service member, pay an annuity to a natural person who has an insurable interest in such service member, if such person is a dependent of that service member, as defined in section 10 USC §1072(2).

Section 646 (Increase in death gratuity payable with respect to deceased members of the Armed Forces): Amends 10 USC §1478(a), to increase the death gratuity benefit from \$6,000 to \$12,000. This amendment is retroactively effective on 11 September 2001.

Section 647 (Death benefits study):

(a) Requires the Secretary of Defense to carry out a study on the totality of all current and projected death benefits for survivors of deceased service members to determine the adequacy of such benefits. In carrying out the study, the Secretary of Defense will compare the federal death benefits for survivors of deceased service members with commercial and other private sector death benefits plans, and benefits available under the Public Safety Officer Benefits Bill.

(b) The Secretary of Defense will examine the possibility of providing a stratified schedule of entitlement amounts that places a premium on deaths resulting from participation in combat or from acts of terrorism.

(c) The Secretary of Defense will submit a report to Congress on the results of this study, including proposed legislation to address the deficiencies in the system, not later than 1 March 2004.

Subtitle E - Commissary and Nonappropriated Fund Instrumentality Benefits

Section 651 (Expanded commissary access for Selected Reserve members, reserve retirees under age 60, and their dependents):

Amends 10 USC §1065, to authorize members of the Selected Reserve, reserve retirees qualified to receive retired pay (yet under age 60) and their dependents, to use commissaries to the same extent as active duty service members and their dependents.

Section 652 (Defense commissary system and exchange stores system):

Creates 10 USC §2481, which requires the Secretary of Defense to operate separate defense commissary and exchange store systems. Does not apply to combined exchange/commissary stores or to NEXMART stores established before 1 October 2003.

Section 653 (Limitations on private operation of defense commissary store functions):

(a) Amends 10 USC §2482(a), clarifying that only selected commissary store functions may be considered for privatization. Procurement of products or overall management of commissary stores cannot be privatized.

(b) Requires the Secretary of Defense to inform Congress of changes to commissary store functions performed by more than 10 Department of Defense civilian employees, and such changes will not go into effect until expiration of a period of 75 calendar days following Congressional notification.

Subtitle F - Other Matters

Section 661 (Comptroller General report on adequacy of special pays and allowances for frequently deployed members): Requires the Comptroller General to submit a report not later than 1 April 2004, regarding the adequacy of special pays and allowances for service members who experience frequent deployments away from their permanent duty stations for periods of less than 30 days.

TITLE VII - HEALTH CARE PROVISIONS

Subtitle A - Enhanced Benefits for Reserves

Section 701 (Medical and dental screening for Ready Reserve members alerted for mobilization): Amends 10 USC §1074a(f)(1), to authorize the Secretary of a military department, at any time after the Secretary notifies members of the Ready Reserve that they are to be called or ordered to active duty for a period of more than 30 days, to provide to each service member any medical and dental screening and care that is necessary to ensure that

the service member meets the applicable medical and dental standards for deployment.

Section 702 (Coverage for Ready Reserve members under TRICARE program) :

(a) Amends 10 USC §1076b, to make each member of the Selected Reserve of the Ready Reserve and the Individual Ready Reserve eligible to enroll in TRICARE and receive benefits under such enrollment for any period that the service member is an unemployment compensation recipient or is not eligible for health care benefits under an employer-sponsored health plan.

(b) A service member may enroll in either "self alone" coverage or "self and family" coverage, and shall be entitled to the same benefits under this chapter as a member of the armed forces on active duty or a dependent of such a member, respectively.

(c) A monthly premium shall be charged the member, equal to 28 percent of the total amount determined by the Secretary of Defense (on an appropriate actuarial basis) as being reasonable for the coverage.

(d) The Secretary of Defense, in consultation with the Secretaries of other military departments will prescribe regulations for the administration of this section.

(e) An enrollment in TRICARE under this provision may not continue after 31 December 2004.

Section 703 (Earlier eligibility date for TRICARE benefits for members of reserve components): Amends 10 USC §1116(d), to treat a member of a reserve component of the armed forces who is issued a delayed-effective-date active-duty order (in support of a contingency operation), or is covered by such an order, as being on active duty for a period of more than 30 days, beginning on the later of the date orders are issued or 90 days before the date on which the active duty is to commence under the orders, for that member. This provision will cease to be effective on 31 December 2004.

Section 704 (Temporary extension of transitional health care benefits): Amends 10 USC §1145(a) to temporarily extend, from 60 to 180 days, the amount of transitional health care authorized to service members, beginning on the date on which the service member is separated from active duty. This provision will apply with respect to separations from active duty that take effect on or after the date of enactment of this act.

Section 705 (Assessment of needs of Reserves for health care benefits): The Comptroller General shall evaluate the needs of members of the reserve components of the Armed Forces and their

families for obtaining and maintaining coverage for health care benefits under health care benefits plans and programs. The Comptroller General shall give special consideration to the increased use of the reserve components for carrying out and supporting operations of the Armed Forces that has been experienced since the 1980s and is anticipated to continue, particularly the increased frequency and magnitude of the mobilization of Reserves and the increased length of the periods of active duty of Reserves when mobilized. The evaluation shall include an examination of the extent to which Reserves and the members of their families are covered by health care benefits plans when the Reserves are not on active duty, including the sources of the coverage, the scope of the benefits and the extent to which the Reserves and the members of their families use the benefits available.

Section 707 (TRICARE beneficiary counseling and assistance coordinators for reserve component beneficiaries): Amends 10 USC §1095e(a)(1) to direct the Secretary of Defense to establish TRICARE beneficiary counseling and assistance coordinators for reserve and National Guard service members and their families.

Section 708 (Eligibility of Reserve officers for health care pending orders to active duty following commissioning): Amends 10 USC §1074(a), authorizing the same health care benefits for newly commissioned reserve officers awaiting orders to active duty as they will have when on active duty.

Subtitle C - Planning, Programming, and Management

Section 723 (Surveys on continued viability of TRICARE Standard): Requires the Secretary of Defense to survey and determine health care provider acceptance of the TRICARE Standard benefit, and to designate a senior official to take the actions necessary to achieve and maintain adequate levels of provider participation in the TRICARE Standard program. The provision would also direct the Comptroller General to review processes and procedures to ensure the Department of Defense is providing ready access to the TRICARE Standard program.

Section 724 (Plan for providing health coverage information to members, former members, and dependents eligible for certain health benefits):

(a) Requires the Secretary of Defense to develop a plan to ensure that each household, that includes one or more eligible persons, is provided information concerning the extent of health coverage provided for each person, the costs that each such person is

required to pay for such health coverage, sources of information for locating TRICARE-authorized providers, and methods to obtain assistance in resolving difficulties encountered with billing, payments, eligibility, and other issues.

(b) The Secretary of Defense will implement this plan with respect to any contract entered into by the Department of Defense after 31 May 2003, for managed health care.

(c) Not later than 31 March 2004, the Secretary of Defense will submit to Congress the plan with a schedule for the implementation of the plan.

Section 726 (Working group on military health care for persons reliant on health care facilities at military installations to be closed or realigned): Amends section 722 of the National Defense Authorization Act for FY93 (Public Law 102-484; 10 USC 1073 note) to require the Secretary of Defense to establish a working group on the provision of military health care to persons who rely on health care facilities located at military installations inside or outside the United States that are selected for closure or realignment. The working group will terminate on 31 December 2006.

TITLE VIII - ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A - Acquisition Policy and Management

Section 801 (Consolidation of contract requirements): Creates 10 USC §2382, holding that the Secretary of Defense shall require the Secretary of each military department to ensure that the decisions made by that official regarding consolidation of contract requirements are made with a view to providing small business concerns with appropriate opportunities to participate in Department of Defense procurements as prime contractors and appropriate opportunities to participate in such procurements as subcontractors. An official of a military department may not execute an acquisition strategy that includes a consolidation of contract requirements of the military department with a total value in excess of \$5,000,000, unless the senior procurement executive concerned first conducts market research, identifies any alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements and determines that the consolidation is necessary and justified.

Section 802 (Quality control in procurement of aviation critical safety items and related services): The Secretary of Defense shall prescribe in regulations a quality control policy for the

procurement of aviation critical safety items and the procurement of modifications, repair, and overhaul of such items.

Section 803 (Federal support for enhancement of state and local anti-terrorism response capabilities): The administrator for Federal Procurement Policy shall establish a program under which States and units of local government may procure through contracts entered into by the Department of Defense or the Department of Homeland Security anti-terrorism technologies or anti-terrorism services for the purpose of preventing, detecting, identifying, deterring, or recovering from acts of terrorism.

Subtitle B - United States Defense Industrial Base Provisions

Section 828 (Buy American exception for ball bearings and roller bearings used in foreign products): Amends 10 USC §2534(a)(5), which places limitations on the procurement of ball bearings and roller bearings other than those produced in the national technology and industrial base, by creating an exemption for ball bearings and roller bearings used in an end product or component of non-domestic origin.

Subtitle C - Defense Acquisition and Support Workforce Flexibility

Section 832 (Elimination of role Of Office Of Personnel Management): Repeals 10 USC §1725, which required the Secretary of Defense to submit any civilian personnel training requirement proposals to the Director of OPM for approval.

Subtitle D - Amendments to General Contracting Authorities, Procedures, and Limitations

Section 841 (Additional authority to enter into personal services contracts): Creates 10 USC §129b, extending the authority of the Secretary of Defense to enter into personal services contracts if the personal services are to be provided by individuals outside the United States, regardless of their nationality, and are determined by the Secretary to be necessary and appropriate for supporting the activities and programs of the Department of Defense outside the United States.

Section 842 (Elimination of certain subcontract notification requirements): Amends 10 USC §2306, eliminating the requirement that contractors with a cost contract notify the agency before awarding a cost-plus-fixed-fee or a fixed price subcontract greater than the simplified acquisition threshold or five percent

of the estimated cost of the prime contract. The requirement would no longer apply in those instances where the Secretary of Defense approves the contractor's purchasing system.

TITLE IX - DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A - Duties and Functions of Department of Defense Officers and Organizations

Section 901 (Clarification of responsibility of military departments to support combatant commands): Amends 10 USC §3013, §5013, and §8013, by clarifying the responsibility of the military departments to fully support the current and future operational requirements of the combatant commands, subject to the authority, direction, and control of the Secretary of Defense. The previous version of these statutes stated only "to the maximum extent practicable."

Section 902 (Combatant Commander Initiative Fund): Amends 10 USC §166(a), by establishing an additional category of joint warfighting capabilities to the authorized list of activities for which combatant commander initiative funds can be used. Also amends the limitations currently contained in Title 10: allowing up to \$10,000,000 for procurement of items with a unit cost in excess of \$15,000; allowing up to \$10,000,000 to pay for the expenses of foreign nations participating in joint exercises; and, allowing up to \$5,000,000 to provide military training and education to military personnel and related civilians of foreign nations.

Section 903 (Biennial review of national military strategy by Chairman of the Joint Chiefs of Staff): Requires the Chairman of the Joint Chiefs of Staff, in consultation with other members of the Joint Chiefs of Staff and the combatant commanders, to submit a national military strategy, including an assessment of the risk associated with the strategy, no later than 15 February 2004, and every even numbered year thereafter. Congress notes, with concern, that the Chairman of the Joint Chiefs of Staff has not submitted an annual risk assessment for the last two years, as required by 10 USC §153(c). Congress considers the annual risk assessment to be an important tool in assessing the adequacy of military capabilities to support the National Security Strategy, expect the Department to comply with this requirement.

Section 904 (Report on changing roles of United States special operations command): Not later than 180 days after the date of the enactment of this act, the Secretary of Defense shall submit

to the Committees on Armed Services a report on the changing roles of the United States Special Operations Command. The report shall specifically discuss in detail the expanded role of the United States Special Operations Command in the global war on terrorism, the reorganization of that command to function as a supported combatant command for planning and executing operations, and the role of that command as a supporting combatant command.

Section 905 (Sense of Congress regarding continuation of mission and functions of Army Peacekeeping Institute): It is the sense of Congress that the Secretary of Defense should maintain the functions and missions of the Army Peacekeeping Institute at the Army War College in Carlisle, Pennsylvania, or within a joint entity of the Department of Defense, such as the National Defense University or the Joint Forces Command, to ensure that members of the Armed Forces continue to study the strategic challenges and uses of peacekeeping missions and to prepare the Armed Forces for conducting such missions.

Section 906 (Transfer to Office of Personnel Management of personnel investigative functions and related personnel of the Department of Defense): Authorizes the Secretary of Defense, with the consent of the Director of the Office of Personnel Management, to transfer the personnel security investigations functions that are performed by the Defense Security Service of the Department of Defense to the Office of Personnel Management. Requires the Secretary of Defense to certify to the Committees on Armed Services that such a transfer would meet the following conditions: that the Office of Personnel Management (OPM) has the capability to handle high-priority investigations; that OPM could ensure contract personnel would perform in a timely manner; that appropriate federal employees were available to perform counterintelligence and polygraph activities; that adjudication authority would remain with the Department of Defense (DOD); and that DOD would retain sufficient personnel to improve industry security programs and practices. Following congressional receipt of such certification, a period of 30 days would elapse prior to initiation of any transfer. The provision would also require the Director of OPM, in coordination with the Secretary of Defense, to review functions performed by Defense Security Service personnel and to determine whether any functions are inherently governmental or otherwise inappropriate for performance by contractor personnel.

Section 907. (Defense acquisition workforce freeze for fiscal year 2004): Freezes the defense acquisition and support

workforce for one year. The number of acquisition and support personnel can vary by no more than one percent up or down, but only for the purpose of exercising normal hiring and firing flexibility during a year. The Secretary of Defense may waive this limitation upon a determination that the waiver is necessary to protect a significant national security interest of the United States.

SUBTITLE C - Department of Defense Intelligence Components

Section 922 (Protection of operational files of the National Security Agency): Exempts certain operational files at specified offices of the National Security Agency from the search, review, and disclosure provisions of the Freedom of Information Act (5 USC §552.) This authority parallels the authority currently available to the Central Intelligence Agency, the National Imagery and Mapping Agency, and the National Reconnaissance Office.

Subtitle D - Other Matters

Section 933 (Extension of certain authorities applicable to the Pentagon Reservation to include a designated Pentagon continuity-of-government location): Amends 10 USC §2674 to expand the definition of the Pentagon Reservation and National Capital Region to include property at the Raven Rock Mountain Complex, to the extent such property may be utilized as a facility relating to continuity of operations and continuity of government.

TITLE X - GENERAL PROVISIONS

Subtitle - A Financial Matters

Section 1005 (Reestablishment of authority for short-term leases of real or personal property across fiscal years): Restores the authority of the Department of Defense to enter into 12-month leases at any time during a fiscal year. Shall not apply to funds appropriated for a fiscal year before fiscal year 2004.

Section 1009 (Provisions relating to defense travel cards):

(a) Amends 10 USC §2784a(a) to require direct payment to the issuer of a Department of Defense travel card for official travel or transportation expenses charged on the travel card by a Department of Defense employee or member.

(b) Requires the Secretary of Defense to establish a program for evaluating the creditworthiness of individuals prior to the issuance of a Department of Defense travel card.

(c) Requires the Secretary of Defense to prescribe guidelines and procedures for making determinations regarding disciplinary actions against Department of Defense personnel for improper, fraudulent, or abusive use of defense travel cards by such personnel.

(d) Authorizes the Secretary of Defense to waive the requirement for direct payment where appropriate.

Subtitle B - Naval vessels and shipyards

Section 1017 (Report on Navy plans for basing aircraft carriers):

Not later than 120 days after the enactment of this act, the Secretary of Defense will submit to Congress a report on the plans of the Navy for basing aircraft carriers through 2020.

Subtitle C - Counterdrug Matters

Section 1021 (Expansion and extension of authority to provide additional support for counter-drug activities):

(a) Extends the authority in section 1033 of the National Defense Authorization Act for FY98 (Public Law 105-84) for counter-drug support to Colombia and renews the authority for counter-drug support to Peru that expired at the end of FY02. This authority extends through FY06.

(b) Authorizes the same type of counter-drug support for Afghanistan, Bolivia, Ecuador, Pakistan, Tajikistan, Turkmenistan, and Uzbekistan through the end of FY06.

(c) The provision limits the maximum amount of annual support in FY04, FY05, and FY06 for this program to \$40,000,000.

Subtitle D - Reports

Section 1031 (Repeal and modification of various reporting requirements applicable to the Department of Defense): Repeals or modifies 82 obsolete or superceded reporting requirements presently imposed by statute on the Department of Defense.

Section 1032 (Plan for prompt global strike capability):

(a) Requires the Secretary of Defense to establish, and annually update, an integrated plan for developing, deploying, and sustaining a prompt global strike capability in the armed forces.

(b) The Secretary of Defense will submit a report on the plan to Congress not later than 1 April 2004, 2005, and 2006. Each report will include: a description and assessment of the targets against which long-range strike assets might be directed; the conditions under which those assets might be used; a description of how prompt global strike capabilities are to be integrated

with theater strike capabilities; and the estimated cost of achieving the desired prompt global strike capabilities.

Section 1034 (Report on use of unmanned aerial vehicles for support of homeland security missions):

(a) Requires the President to submit to Congress, not later than 1 April 2004, a report on the potential uses of unmanned aerial vehicles for support of the performance of homeland security missions.

(b) The report will include an assessment of the potential for using unmanned aerial vehicles for: monitoring activities in remote areas along the northern and southern borders of the United States; supporting the Coast Guard in the performance of its homeland security missions, drug interdiction missions, and other maritime missions; and monitoring the safety and integrity of critical infrastructure within the United States, including oil and gas pipelines, long-distance power transmission lines, hydroelectric and nuclear power plants and dams and drinking water utilities.

Subtitle E - Codifications, Definitions, and Technical Amendments

Section 1041 (Codification and revision of defense counterintelligence polygraph program authority): Creates 10 USC §1564a, which removes the existing limits on the number of polygraph examinations that the Department of Defense may administer in any fiscal year. The provision expands the categories of individuals who may be required to undergo polygraph examinations, to include persons applying for positions at the Department of Defense, and persons from other agencies assigned or detailed to the Department of Defense who will require access to top secret or special access information.

Subtitle F - Other Matters

Section 1051 (Assessment of effects of specified statutory limitations on the granting of security clearances): Requires the Secretary of Defense to submit to Congress, not later than 60 days after the enactment of this act, a review of the effects of the security clearance disqualification factors specified in 10 USC § 986(c) (i.e. felony record, drug history, mentally incompetent, dishonorable discharges) and will include recommendations for legislation or administrative steps deemed necessary by the Secretary of Defense.

Section 1054 (Department of Defense biennial strategic plan for management of electromagnetic spectrum): Creates 10 USC §488,

which holds that every other year, and in time for submission to Congress, the Secretary of Defense shall prepare a strategic plan for the management of the electromagnetic spectrum to ensure the accessibility and efficient use of that spectrum needed to support the mission of the Department of Defense.

Section 1055 (Revision of Department of Defense directive relating to management and use of radio frequency spectrum): Not later than one year after the date of the enactment of this act, the Secretary of Defense shall revise and reissue Department of Defense Directive 4650.1, relating to management and use of the radio frequency spectrum, last issued on 24 June 1987, to update the procedures applicable to Department of Defense management and use of the radio frequency spectrum and to ensure the consideration of requirements for usage of such spectrum by a system as early as practicable in the acquisition program for such system.

Section 1056 (Sense of Congress on deployment of airborne chemical agent monitoring systems at chemical stockpile disposal sites in the United States):

(a) It is the sense of Congress that the Secretary of the Army should, in coordination with relevant Department of Defense research and development agencies, coordinate efforts to develop chemical agent monitors with improved sensitivity, specificity, and response time, and deploy improved chemical agent monitors.

(b) These efforts are meant to ensure the maximum protection of the general public, personnel involved in the chemical demilitarization program, and the environment from the over 23,700 tons of lethal chemical agents in assembled chemical weapons and bulk storage containers at eight chemical agent disposal facilities and stockpile storage sites in the United States.

TITLE XI - CIVILIAN PERSONNEL MATTERS

Subtitle B - Department of Defense Civilian Personnel Generally

Section 1111 (Pilot program for improved civilian personnel Management):

(a) Authorizes the Secretary of Defense to carry out a pilot program using an automated workforce management system to demonstrate improved efficiency in the performance of civilian personnel management. The automated workforce management system used for the pilot program will be capable of automating

the following workforce management functions: job definition; position management; recruitment; staffing; and performance management.

(b) Under the pilot program, the Secretary of Defense will provide the Secretary of each military department with the authority to:

(1) Use an automated workforce management system for the civilian workforce of that military department to assess the potential of such a system to: reduce hiring cycle times; lower labor costs; increase efficiency; improve performance management; provide better management reporting; and enable that system to make operational new personnel management flexibilities granted under the civilian personnel transformation program.

(2) Identify at least one regional civilian personnel center in that military department for participation in the pilot program.

(c) The Secretary of Defense may carry out the pilot program at each selected regional civilian personnel center for a period of two years beginning not later than 1 March 2004.

Section 1113 (Military leave for mobilized Federal civilian employees): Amends 5 USC §6323 to entitle Department of Defense civilian personnel to 22 additional workdays of military leave when performing full-time military service as a result of a call or order to active duty in support of a contingency operation.

Subtitle C - Other Federal Government Civilian Personnel Matters

Section 1121 (Modification of the overtime pay cap): Amends 5 USC §5542 to increase the overtime pay cap of civilian employees to at least the hourly rate of basic pay for the employee.

Section 1125 (Senior Executive Service and performance): Amends 5 USC §5382, which establishes pay and allowances for senior executive service (SES) employees. As amended, 5 USC §5382 revises eligibility for locality pay, ranges of rates of basic SES pay, the maximum rate for SES levels, and post employment restrictions.

Section 1129 (Human Capital Performance Fund): Creates 5 USC §5401 - §5408 to create the Human Capital Performance Fund. The purpose of the fund is to promote greater performance in the Federal Government by rewarding agencies' highest performing and most valuable civilian employees. The human capital performance payments provided to an individual civilian employee can be up to 10 percent of that employee's rate of basic pay per year.

TITLE XII - MATTERS RELATING TO OTHER NATIONS

Subtitle A - Matters Relating to Iraq

Section 1201 (Medical assistance to Iraqi children injured during Operation Iraqi Freedom): Requires the Secretary of Defense, to the maximum extent practicable, to provide all necessary health care, medical assistance, and related support needed to Iraqi children who, as determined by the Secretary of Defense, were injured during, or as a result of, Operation Iraqi Freedom. Such assistance will be provided only when:

- (a) Adequate treatment from other sources in Iraq or neighboring countries is not available;
- (b) After completion of an evaluation by a physician or other appropriate medical personnel of the United States Armed Forces;
- (c) Providing such assistance will not adversely affect military operations.

Section 1202 (Report on the conduct of Operation Iraqi Freedom):

(a) Requires the Secretary of Defense to submit to Congress a report on the preparation for, and the conduct of, military operations under Operation Iraqi Freedom from 19 March 2003 to 1 May 2003. The report will be prepared in consultation with the Chairman of the Joint Chiefs of Staff, the commander of the United States Central Command, and other officers and officials deemed appropriate by the Secretary of Defense.

(b) The report will include an analysis of military objectives of the international coalition; military strategy; the deployment process; the effectiveness of the reserve component forces used; the use and performance of United States military equipment, weapon systems, and munitions; the effectiveness of joint air operations; the use of special operations forces; logistics support; the incidence of accidental fratricide, the effectiveness of tracking friendly forces, and the combat identification systems used in mitigating friendly fire incidents; the effectiveness of information operations; the adequacy of intelligence and counterintelligence systems and personnel; the most critical lessons learned that could lead to long-term doctrinal, organizational, and technological changes; the role of the law of armed conflict in the planning and execution of military operations; policies and procedures relating to the media; the availability of family support services provided for the dependents of service members; and the direct and indirect cost of military operations.

(c) The report will be submitted to Congress not later than 31 March 2004.

Section 1203 (Report on Department of Defense security and reconstruction activities in Iraq):

(a) Requires the Secretary of Defense to submit to Congress a report on the security and reconstruction activities of the Department of Defense in Iraq. The report will include an analysis of the range of infrastructure reconstruction, civil administration, humanitarian assistance, interim governance, the discovery of weapons of mass destruction, the creation of an Iraqi military and police force, and political development activities undertaken in Iraq.

(b) The report will include an estimate of the ongoing commitment of United States military forces, the remaining tasks to be completed by Department of Defense personnel, and the total expenditures the Department of Defense expects to make.

(c) The report will be submitted to Congress no later than 90 days after the enactment of this act.

Section 1204 (Report on acquisition by Iraq of advanced weapons):

(a) Requires the Secretary of Defense to submit a report to Congress on the acquisition by Iraq of weapons of mass destruction and associated delivery systems and the acquisition by Iraq of advanced conventional weapons.

(b) The report will include an analysis of:

(1) Any materials, technology, and know-how Iraq was able to obtain for its nuclear, chemical, biological, ballistic missile, unmanned aerial vehicle programs, and advanced conventional weapons programs, from 1979 to April 2003 from entities outside of Iraq, and how they were obtained.

(2) An assessment of the degree to which United States, foreign, and multilateral export control regimes prevented acquisition by Iraq of weapons of mass destruction-related technology and materials and advanced conventional weapons and delivery systems since the commencement of international inspections in Iraq.

(3) An assessment of the effectiveness of United Nations sanctions at halting the flow of militarily-useful contraband to Iraq from 1991 until the end of Operation Iraqi Freedom.

(4) An assessment of how Iraq was able to evade International Atomic Energy Agency and United Nations inspections regarding chemical, nuclear, biological, and missile weapons and related capabilities.

(5) Identification of the entities and countries that transferred militarily useful contraband to Iraq between 1991 and May 2003, and the nature of that contraband.

(c) The report will be submitted to Congress not later than one year after the enactment of this act.

Section 1205 (Sense of Congress on use of small businesses, minority-owned businesses, and women-owned businesses in efforts to rebuild Iraq): It is the sense of Congress that the Secretary of Defense should ensure that outreach procedures are in place to provide information to small businesses, minority-owned businesses, and women-owned businesses regarding Department of Defense requirements and contract opportunities for the rebuilding of Iraq.

Subtitle B - Matters Relating to Export Protections

Section 1211 (Review of export protections for military superiority resources): Requires the Secretary of Defense to conduct a review by 1 March 2004 to:

- (a) Identify goods or technology that, if obtained by a potential adversary, could significantly undermine the military superiority of the United States over potential adversaries or contribute to the acquisition of weapons of mass destruction and their delivery systems; and
- (b) Determine whether any of the items or technologies are not currently controlled for export purposes on either the Commerce Control List or the United States Munitions List.

Subtitle C - Administrative Requirements and Authorities

Section 1222 (Recognition of superior noncombat achievements or performance by members of friendly foreign forces and other foreign nationals):

- (a) Amends 10 USC §1051 to add a new provision that authorizes the Secretary of Defense to present awards and mementos, purchased with funds appropriated for operation and maintenance of the armed forces, to recognize superior noncombat achievements or performance by members of friendly foreign forces and other foreign nationals that significantly enhance or support the National Security Strategy of the United States.
- (b) Activities that may be recognized include superior achievement or performance that plays a crucial role in shaping the international security environment; supports or enhances United States overseas presence and peacetime engagement activities; helps to deter aggression and coercion, build coalitions, and promote regional stability; or serves as a role model for appropriate conduct by military forces in emerging democracies.

Subtitle D - Other Reports and Sense of Congress Statements

Section 1231 (Annual report on the NATO Prague Capabilities Commitment and the NATO Response Force): Requires the Secretary of Defense to submit an annual report to Congress on implementation of the Prague Capabilities Commitment and development of the NATO Response Force.

(a) The Prague Capabilities Commitment is part of the continuing NATO effort to improve and develop new military and technologically advanced capabilities for modern warfare in a high-threat environment.

(b) The NATO Response Force is envisioned to be a technologically advanced, flexible, deployable, interoperable, and sustainable force that includes land, sea, and air elements ready to move quickly to wherever needed. It is expected to have initial operational capability by October 2004, and full operational capability by October 2006.

Section 1232 (Report on actions that could be taken regarding countries that initiate certain legal actions against United States officials or members of the Armed Forces): Requires the Secretary of Defense to submit a report to Congress, within 60 days after the enactment of this act, on appropriate steps that can be taken by the Department of Defense (such as restrictions on military travel, limitations on military support and exchange programs, and limiting funding for United States or allied military commands, headquarters, or organizations) to respond to legal actions outside a Status of Forces Agreement by a foreign government against United States officials or members of the armed forces.

Section 1233 (Sense of Congress on redeployment of United States forces in Europe): It is the sense of Congress that the Secretary of Defense should reevaluate the expansion of the NATO Alliance, the evolution of the military mission of that Alliance, and the current posture of United States forces stationed in Europe. In conducting the reevaluation, the Secretary of Defense should consider a military posture that takes maximum advantage of basing and training opportunities in the newly admitted and invitee states of the NATO Alliance, consisting of Poland, the Czech Republic, Hungary, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia.

Section 1234 (Sense of Congress concerning Navy port calls in Israel): It is the sense of Congress that:

(a) The United States has invested significant amounts of funds in expanding the capacity and security of the port of Haifa, Israel, and the United States Navy should be able to implement the necessary force protection measures to enable it to take

advantage of the repair, replenishment, and communications links available at that port;

(b) The Secretary of Defense and the Secretary of the Navy should conclude discussions with the Government of Israel and the Israel Defense Forces to establish appropriate and effective arrangements to ensure the safety of United States Navy vessels and personnel during port visits to Haifa, Israel; and

(c) Upon such arrangements being made, the United States Navy should consider resumption of regular port visits to Haifa, Israel.

TITLE XIII - COOPERATIVE THREAT REDUCTION WITH THE FORMER SOVIET UNION

Section 1302 (Funding allocations): Authorizes the appropriation of \$450,800,000 to the Department of Defense for FY04 for Cooperative Threat Reduction programs. The following amounts may be obligated for the following purposes:

(a) \$57,600,000 for strategic offensive arms elimination in Russia.

(b) \$3,900,000 for strategic nuclear arms elimination in Ukraine.

(c) \$23,200,000 for nuclear weapons transportation security in Russia.

(d) \$48,000,000 for nuclear weapons storage security in Russia.

(e) \$13,100,000 for activities designated as Other Assessments/Administrative Support.

(f) \$11,100,000 for defense and military contacts.

(g) \$200,300,000 for chemical weapons destruction in Russia.

(h) \$54,200,000 for biological weapons proliferation prevention in the former Soviet Union.

(i) \$39,400,000 for weapons of mass destruction proliferation prevention in the states of the former Soviet Union.

Section 1304 (Limitation on use of funds for biological research in the former Soviet Union): Funds authorized for Cooperative Threat Reduction programs for biological weapons proliferation prevention may not be obligated to begin any collaborative biodefense research or bioattack early warning and preparedness project at a facility in a state of the former Soviet Union until the Secretary of Defense notifies Congress that:

(a) The facility does not conduct offensive biological weapons research prohibited by international law; and

(b) Appropriate security measures will be put in place at the facility to prevent theft of dangerous pathogens.

Section 1305 (Requirement for on-site managers): Before obligating any Cooperative Threat Reduction funds for a project, the Secretary of Defense will appoint one on-site manager for that project. The manager will be appointed from employees of the Federal Government. The on-site manager will:

- (a) Develop a list of steps or activities critical to achieving the project's disarmament or nonproliferation goals;
- (b) Establish a schedule for completing those steps or activities;
- (c) Meet with all participants to seek assurances that those steps or activities are being completed on schedule; and
- (d) Suspend United States participation in a project when a non-United States participant fails to complete a scheduled step or activity on time.

Section 1307 (Annual certifications on use of facilities being constructed for Cooperative Threat Reduction projects or activities): The Secretary of Defense will submit to Congress each year a certification for each facility for a Cooperative Threat Reduction project or activity where construction occurred during the preceding fiscal year. The certification will address:

- (a) Whether the facility will be used for its intended purpose by the government of the state of the former Soviet Union.
- (b) Whether the government of such state remains committed to the use of such facility for its intended purpose.
- (c) Whether actions needed to ensure security at the facility have been taken.

Section 1308 (Authority to use Cooperative Threat Reduction funds outside the former Soviet Union): The President may obligate and expend Cooperative Threat Reduction funds for a proliferation threat reduction project or activity outside the states of the former Soviet Union if the project or activity assists the United States in the resolution of a critical emerging proliferation threat, allows the United States to achieve long-standing nonproliferation goals, and can be completed in a short period of time.

TITLE XIV - SERVICES ACQUISITION REFORM

Subtitle D - Other Matters

Section 1441 (Authority to enter into certain transactions for defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack): Authorizes the heads of certain executive agencies that engage in research and

development projects that have the potential to facilitate a defense against terrorism or nuclear, biological, chemical, or radiological attack, to exercise the same authority granted to the Secretary of Defense and the Secretaries of the military departments, under 10 USC §2371, to enter in transactions (other than contracts, cooperative agreements, and grants) to carry out research projects.

Section 1443 (Special emergency procurement authority): Amends 41 USC §403 et. seq., the Office of Federal Procurement Policy Act, by providing emergency procurement power to certain executive agencies in order to support a contingency operation or to facilitate the defense against, or recovery from, nuclear, biological, chemical, or radiological attack against the United States.

TITLE XV - VETERANS' DISABILITY BENEFITS COMMISSION

Section 1501 (Establishment of commission):
Establishes the Veterans' Disability Benefits Commission.

Section 1502 (Duties of the commission): The Veterans' Disability Benefits Commission will conduct a study of the benefits under the laws of the United States that are provided to compensate and assist veterans and their survivors for disabilities and deaths attributable to military service. The study will examine and make recommendations concerning the appropriateness of such benefits under the laws, the level of such benefits, and the standards for determining whether a disability or death of a veteran should be compensated.

Section 1503 (Report): Requires the Veterans' Disability Commission to submit a report to the President and Congress, not later than 15 months after the date on which the commission first meets, on the study. The report will include the findings and conclusions of the commission, the recommendations of the commission for revising the benefits provided by the United States to veterans and their survivors for disability and death attributable to military service, and other information and recommendations considered appropriate.

TITLE XVI - DEFENSE BIOMEDICAL COUNTERMEASURES

Section 1601 (Research and development of defense biomedical countermeasures): Requires the Secretary of Defense to carry out a program to accelerate the research, development and procurement of biomedical countermeasures, including but not limited to

therapeutics and vaccines, for the protection of the armed forces from attack by one or more biological, chemical, radiological, or nuclear agents. The Secretary of Defense may enter into interagency agreements and other collaborative undertakings with other Federal agencies to support this program.

Section 1602 (Procurement of defense biomedical countermeasures):

(a) Requires the Secretary of Defense, on an ongoing basis, to:

- (1) Assess current and emerging threats of biological, chemical, radiological, and nuclear agents;
- (2) Assess the potential consequences of the use of these agents to the health of service members;
- (3) Identify those agents for which countermeasures are necessary to protect the health of service members;
- (4) Assess the availability and appropriateness of specific countermeasures to address specific threats of these agents; and
- (5) Identify specific countermeasures appropriate for the Department of Defense to procure and stockpile.

Section 1603 (Authorization for medical products for use in emergencies):

(a) Amends 21 USC §360 et seq., the Federal Food, Drug, and Cosmetic Act, to authorize the Secretary of Health and Human Services to permit the general public to use specified drugs, devices, or biological products when the Secretary of Defense has determined there is a medical emergency involving a heightened risk to the armed forces of biological, chemical, radiological, or nuclear agents.

(b) Amends 10 USC §1107, which establishes procedures for the administration of drugs to service members. As amended, 10 USC §1107 authorizes the President to waive the right of a service member to refuse administration of a drug if the President determines that:

- (1) Affording service members the right to refuse is not feasible;
- (2) Refusal is contrary to the best interests of the service member; or
- (3) Is contrary to the best interests of national security.

**TITLE XVII - NATURALIZATION AND OTHER IMMIGRATION BENEFITS FOR
MILITARY PERSONNEL AND FAMILIES**

Section 1701 (Requirements for naturalization through service in the Armed Forces of the United States):

(a) Amends 8 USC §1439, which enables members of the armed forces to waive the requirement for naturalization that an individual must reside continuously in the United States for a period of

five years prior to becoming naturalized, if the member served honorably in the armed forces for a period of three years. As amended, 8 USC §1439 now requires service members to honorably serve for a period of one year in the armed forces to waive the five year continuous residence requirement prior to becoming naturalized.

(b) Prohibits any fee from being charged or collected from a military service member applicant.

(c) Authorizes citizenship granted under 8 USC §1401 et. seq. and §1439 to be revoked if the service member is separated from the armed forces under other than honorable conditions before the service member has served honorably for periods aggregating five years.

(d) The Secretary of Defense will ensure that any applications, interviews, filings, oaths, ceremonies, or other proceedings relating to naturalization of service members are made available overseas through United States embassies, consulates, and as practicable, United States military installations.

(e) The Secretary of Defense will prescribe a policy that facilitates the opportunity for a member of the armed forces to finalize naturalization for which the member has applied. The policy will authorize high priority for grant of emergency leave and military transportation.

Section 1702 (Naturalization benefits for members of the Selected Reserve of the Ready Reserve): Amends 8 USC §1440, which authorizes active duty service members who served honorably during periods of military hostility, and meet prescribed conditions, to become naturalized citizens. As amended, 8 USC §1440 expands this benefit to members of the Selected Reserve of the Ready Reserve who meet the same prescribed conditions.

Section 1703 (Extension of posthumous benefits to surviving spouses, children, and parents): Amends 8 USC §1151, which establishes criteria for distributing benefits to non-citizens of the United States. As amended, 8 USC §1151 authorizes the alien spouse, children, and parents of a citizen who served honorably on active duty in the armed forces, and died as a result of combat, to be considered as "immediate relatives" for the purpose of distributing benefits to the family members of the service member.

Section 1704 (Expedited process for granting posthumous citizenship to members of the Armed Forces): Amends 8 USC §1440, which authorizes service members who served honorably while on active duty during periods of military hostility, and meet prescribed conditions, to become naturalized citizens. As

amended, 8 USC §1440 enables service members who meet the prescribed conditions to receive a posthumous grant of citizenship.

Section 1705 (Effective date): These amendments will take effect as if enacted on 11 September 2001, with the exception of the amendment prohibiting the payment of naturalization fees and the amendment requiring the provision of naturalization proceedings overseas, both of which will take effect on 1 October 2004.

DIVISION B - MILITARY CONSTRUCTION AUTHORIZATIONS

TITLE XXII - NAVY

Section 2201 (Authorized Navy construction and land acquisition projects): The Secretary of the Navy may acquire real property and carry out military construction projects for installations and locations inside the United States, and in the amounts, set forth below:

Marine Corps: Inside the United States

State	Installation	Amount
Arizona	MCAS, Yuma	\$22,230,000
California	MCAGTFTC Twentynine Palms	\$42,090,000
	MCB Camp Pendleton	\$73,580,000
	MCAS Miramar	\$7,640,000
D.C.	Marine Corps Barracks	\$1,550,000
North Carolina	MCAS New River	\$6,240,000
	MCB Camp Lejeune	\$29,450,000
Virginia	MCCDC Quantico	\$18,120,000
	HQMC Henderson Hall	\$1,970,000

Section 2202 (Family housing): The Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the following Marine Corps installations, for the purposes, and in the amounts set forth in the following table:

State	Installation	Purpose	Amount
North Carolina	MCB Camp Lejeune	519 Units	\$68,531,000
	MCAS Cherry Point	339 Units	\$42,803,000

Section 2203 (Improvements to military family housing units): Authorizes the Secretary of the Navy to improve existing military family housing units in an amount not to exceed \$20,446,000.

Section 2204 (Authorization of appropriations, Navy):

\$2,267,729,000 is appropriated for military construction, land acquisition, and military family housing functions of the Department of the Navy.

Section 2205 (Termination of authority to carry out certain fiscal year 2003 projects): Terminates constructions projects for which funds were appropriated by the FY03 NDAA, including the \$6,040,000 appropriated to MCAS Cherry Point.

Section 2206 (Termination of authority to carry out certain fiscal year 2002 projects): Terminates constructions projects for which funds were appropriated by the FY02 NDAA.

TITLE XXIV - DEFENSE AGENCIES

Section 2401 (Authorized Defense Agencies construction and land acquisition projects): The Secretary of Defense may acquire real property and carry out military construction projects for installations and locations inside the United States in the amounts set forth below:

Installation or location	Amount
MCB Camp Lejeune, North Carolina	\$15,259,000

TITLE XXVIII - GENERAL PROVISIONS

Subtitle A - Military Construction Program and Military Family Housing Changes

Section 2804 (Increase in authorized maximum lease term for family housing and other facilities in certain foreign countries): Amends 10 USC §2828(d) to increase from 10 to 15 years the maximum length of lease that the Department of Defense may enter for housing facilities in Korea. This provision also increases from 5 to 15 years the maximum length of a lease that the Department of Defense may enter for other military-related facilities in Korea.

Section 2805 (Conveyance of property at military installations closed or realigned to support military construction):

(a) Creates 10 USC §2869, which authorizes the Secretary of a military department to enter into an agreement to convey real property, including any improvements thereon, located on a military installation that is closed or realigned under a base closure law, to any person who agrees, in exchange for the real property to:

- (1) Carry out a military construction project or land acquisition; or
- (2) Transfer to the Secretary of the military department housing that is constructed or provided by the person and is located at, or near, the military installation where there is a shortage of suitable military housing.
- (b) In exchange for the conveyance of the real property, including improvements, the Secretary of the military department concerned must receive military construction, military family housing, or military unaccompanied housing with a fair market value at least equal to the fair market value of the conveyed real property.
- (c) Authorizes the Secretaries of the military departments to create a pilot program to use the conveyance authority at least once before 31 December 2004.

Section 2806 (Inapplicability of space limitations to military unaccompanied housing units acquired or constructed under alternative authority): Amends 10 USC §2880(b)(2), which requires the Secretaries of the military departments to ensure that the room patterns and floor areas of designated military family housing and unaccompanied housing units are generally comparable to the room patterns and floor areas of similar housing in the area. As amended, 10 USC §2880(b)(2) provides increased flexibility for the Department of Defense to determine the amount of space provided to each person in unaccompanied housing built under the privatization program.

Section 2807 (Additional material for reports on housing privatization program): Amends 10 USC §2884 to require the Department of Defense to include additional information in its annual report to Congress on housing privatization programs. As amended, 10 USC §2884 requires the Department of Defense to provide detailed information for each housing privatization contract that includes guarantees in the event of closure or realignment of an installation or major changes in the number of personnel stationed or deployed away from the installation. The information provided must describe the nature and specific conditions of the guarantee and assess the extent and potential cost of the Federal Government's liability as a result of the guarantee.

Section 2808 (Temporary, limited authority to use operation and maintenance funds for construction projects outside the United States): Authorizes the Secretary of Defense, in FY04, to use operation and maintenance funds, not to exceed \$200,000,000, for

military construction requirements outside the United States if it is determined that:

(a) Military construction would be necessary to satisfy urgent requirements in support of temporary operations related to a declaration of war, national emergency, or a contingency operation;

(b) Military construction would not be carried out at a military installation where the United States is reasonably expected to have a long-term presence;

(c) The United States would have no intention of using the constructed facility or infrastructure after the operation formally ceased; and

(4) The level of construction would be the minimum necessary to meet the operational requirement.

Section 2809 (Report on military construction requirements to support new homeland defense missions of the Armed Forces):

Requires the Secretary of Defense to submit to Congress a report describing all military construction projects carried out to support new homeland defense missions of the armed forces undertaken since 11 September 2001, and containing an assessment of the military construction requirements anticipated to be necessary during FY05, 06, and 07 to support such missions.

Subtitle B - Real Property and Facilities Administration

Section 2811. (Enhancement of authority to acquire low-cost interests in land): Amends 10 USC §2672, which authorizes the Secretary of a military department to acquire land in the interest of the national defense. As amended, 10 USC §2672 increases from \$500,000 to \$1,500,000 the amount the Secretary of a military department may obligate to acquire land in the interest of the national defense.

Section 2813 (Acceptance of in-kind consideration for easements): Amends 10 USC §2668 and §2669, which authorize the Secretary of a military department to grant easements for rights-of-way and utilities on military installations. As amended, 10 USC §2668 and §2669 authorize the Secretary of a military department to accept in-kind payments for the granting, or modification, of such easements.

Subtitle D - Land Conveyances

Section 2842 (Land Conveyance, Marine Corps Logistic Base, Albany, Georgia): Authorizes the Secretary of the Navy to convey, through negotiated sale, to the Preferred Development

Group Corporation (a corporation incorporated in the State of Georgia) a parcel of property consisting of 10.44 acres at Turner Field Road and McAdams Road, Albany, Georgia, for economic development. The sale price will be based upon the fair market value appropriate for the property. The corporation will accept the property "as is" and will bear all costs related to the use and redevelopment of the property.

Section 2843 (Land exchange, Naval and Marine Corps Reserve Center, Portland, Oregon): Authorizes the Secretary of the Navy to convey to United Parcel Service, Inc. (UPS) a parcel of property, and any improvements thereon, consisting of approximately 14 acres at the Naval and Marine Corps Reserve Center, Portland, Oregon, to enable UPS to expand its main distribution complex in Portland. In return for this property, UPS will convey to the United States a parcel of property with suitable replacement facilities with a value equal to, or greater than, the fair market value of the property conveyed by the Secretary of the Navy.

Subtitle E - Other Matters

Section 2871 (Authority to accept guarantees with gifts in development of Marine Corps Heritage Center, Marine Corps Base, Quantico, Virginia): Authorizes the Secretary of the Navy, under 10 USC §6975, to accept a qualified guarantee of gifts for the purpose of developing the Marine Corps Heritage Center, Marine Corps Base, Quantico, Virginia. This authority will expire on 31 December 2006.

DIVISION C - DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI - DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle B - Program Authorizations, Restrictions and Limitations

Section 3113 (Readiness posture for resumption by the United States of underground nuclear weapons tests): Requires the Secretary of Energy to achieve, and thereafter maintain, a readiness posture of not more than 18 months for resumption by the United States of underground tests of nuclear weapons. This posture must be obtained no later than 1 October 2006.

Section 3116 (Repeal of prohibition on research and development of low-yield nuclear weapons): Repeals section 3136 of the National Defense Authorization Act for Fiscal Year 1994 (Public

Law 103-160; 107 Stat. 1946; 42 USC 2121 note), thereby ending the prohibition on the research and development of low-yield nuclear weapons. The repeal will not be construed to authorize the testing, acquisition, or deployment of a low-yield nuclear weapon. The Secretary of Energy may not commence the engineering development phase, or any subsequent phase, of a low-yield nuclear weapon unless specifically authorized by Congress.

Subtitle C - Proliferation Matters

Section 3123 (Study and report relating to weapons-grade uranium and plutonium of the independent states of the former Soviet Union): Requires the Secretary of Energy to carry out a study on the feasibility, costs, and benefits of purchasing weapons-grade uranium and plutonium from the independent states of the former Soviet Union and safeguarding the uranium and plutonium, thereby making it unusable for nuclear weapons.

Section 3124 (Authority to use international nuclear materials protection and cooperation program funds outside the former Soviet Union):

(a) Authorizes the President to obligate and expend international nuclear materials protection and cooperation program funds for a fiscal year or prior fiscal year, for a defense nuclear nonproliferation project or activity outside the states of the former Soviet Union if the President determines the project or activity will:

(1) Assist the United States in the resolution of a critical emerging proliferation threat or permit the United States to achieve long-standing nonproliferation goals; and

(2) Be completed in a short period of time.

(b) The amount of funds authorized to be used for such projects in a fiscal year will not exceed \$50,000,000.

Section 3125 (Requirement for on-site managers): Before obligating any defense nuclear nonproliferation funds for a designated project, the Secretary of Energy will appoint an on-site manager for that project. The manager will be appointed from federal employees. An on-site manager is required at any project that: is to be located in a state of the former Soviet Union; involves dismantlement, destruction, or storage facilities, or construction of a facility; involves a contribution by the Department of Energy expected to exceed \$50,000,000.

Subtitle D - Other Matters

Section 3135 (Report on integration activities of Department of Defense and Department of Energy with respect to Robust Nuclear Earth Penetrator): Amends Section 1032 of the Bob Stump National Defense Authorization Act for FY03 (Public Law 107-314; 116 Stat. 2643; 10 USC 2358 note) to modify the reporting requirement under that act to include analysis of the integration and interoperability of the robust nuclear earth penetrator with regard to research and development, procurement, and other activities by the Departments of Defense and Energy during FY03.

TITLE XXXV - MARITIME ADMINISTRATION

Subtitle C - Maritime Security Fleet

Section 3531 (Establishment of Maritime Security Fleet): Creates 46 USC §53101 to §53111, which requires the Secretary of Transportation, in consultation with the Secretary of Defense, to establish the Maritime Security Fleet. The fleet will consist of active, commercially viable, militarily useful, privately owned, United States-documented vessels to meet national defense and other security requirements and maintain a United States presence in international commercial shipping. Vessels will be chartered to the Maritime Security Fleet by operating agreements between the owner/operator of the vessel and the Secretary of Transportation.

Subtitle D - National Defense Tank Vessel Construction Assistance

Section 3541 (National defense tank vessel construction program): Requires the Secretary of Transportation to establish a program for the provision of financial assistance for the construction of a fleet of up to 5 privately owned product tank vessels to be operated in commercial service in foreign commerce and to be available for national defense purposes in time of war or national emergency.

TITLE XXXVI - NUCLEAR SECURITY INITIATIVE

Subtitle A - Administration and Oversight of Threat Reduction and Nonproliferation Programs

Section 3611 (Management assessment of Department of Defense and Department of Energy threat reduction and nonproliferation programs):

(a) Requires the Comptroller General to carry out an assessment of the management of the threat reduction and nonproliferation

programs of the Department of Defense and the Department of Energy. The matters assessed will include:

- (1) The effectiveness of the overall strategy used for managing such programs;
 - (2) The basis used to allocate the missions of such programs among the executive departments and agencies;
 - (3) The criteria used to assess the effectiveness of such programs;
 - (4) The strategy and process used to establish priorities for activities carried out under such programs;
 - (5) The mechanisms used to coordinate the activities carried out under such programs by the executive departments and agencies to ensure efficient execution and avoid duplication of effort; and
 - (6) The management controls used in carrying out such programs and the effect of such controls on the execution of such programs.
- (b) The Comptroller General will take into account the national security interests of the United States and the need for accountability in expenditure of funds by the United States.
- (c) The Comptroller General will submit a report regarding the assessment to Congress not later than 1 May 2004.

Subtitle B - Relations Between the United States and Russia

Section 3621 (Comprehensive inventory of Russian tactical nuclear weapons): It is the sense of Congress that the United States should, to the extent the President considers prudent, seek to work with the Russian Federation to develop a comprehensive inventory of Russian tactical nuclear weapons. The President will submit to Congress a report describing the progress that has been made toward creating such an inventory not later than 12 months after the date of the enactment of this act.

Section 3622 (Establishment of interparliamentary Threat Reduction Working Group): Establishes a working group to be known as the Threat Reduction Working Group as an interparliamentary group of Congress and the legislature of the Russian Federation. The purpose of the group will be to explore means to enhance cooperation between the United States and the Russian Federation with respect to nuclear nonproliferation and security and such other issues related to reducing the dangers of weapons of mass destruction as the members of the working group consider appropriate.

Section 3623 (Sense of Congress on cooperation by United States and NATO with Russia on ballistic missile defenses): It is the sense of Congress that the President should, in conjunction with

NATO, encourage appropriate cooperative relationships between the Russian Federation, the United States, and NATO with respect to the development and deployment of ballistic missile defenses.

Section 3624 (Sense of Congress on enhanced collaboration to achieve more reliable Russian early warning systems): It is the sense of Congress that the President, to the extent consistent with the national security interests of the United States, should:

(1) Encourage joint efforts by the United States and the Russian Federation to reduce the probability of accidental nuclear attack as a result of misinformation or miscalculation by developing the capabilities and increasing the reliability of Russian ballistic missile early-warning systems;

(2) Encourage the development of joint programs by the United States and the Russian Federation to ensure that the Russian Federation has reliable information regarding launches of ballistic missiles anywhere in the world; and

(3) Pending the execution of a new agreement between the United States and the Russian Federation providing for the conduct of the Russian-American Observation Satellite (RAMOS) program, ensure that funds appropriated for that program for fiscal year 2004 are obligated and expended in a manner that provides for the satisfactory continuation of that program.

DIVISION A - DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I - PROCUREMENT

Subtitle:

- A. Authorization of Appropriations (101-104)
- B. Army Programs (111-112)
- C. Navy Programs (121-126)
- D. Air Force Programs (131-135)

TITLE II - RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle:

- A. Authorization of Appropriations (201-202)
- B. Program Requirements, Restrictions, and Limitations (211-216)
- C. Ballistic Missile Defense (221-226)
- D. Other Matters (231-235)

TITLE III - OPERATION AND MAINTENANCE

Subtitle

- A. Authorization of Appropriations (301-303)
- B. Environmental Provisions (311-324)
- C. Workplace and Depot Issues (331-338)
- D. Other Matters (341-345)

TITLE IV - MILITARY PERSONNEL AUTHORIZATIONS

Subtitle:

- A. Active Forces (401-403)
- B. Reserve Forces (411-415)
- C. Authorizations of Appropriations (421-422)

TITLE V - MILITARY PERSONNEL POLICY

Subtitle:

- A.** Officer Personnel Matters (501-509)
- B.** Reserve Component Matters (511-518)
- C.** ROTC and Military Service Academies (521-529)
- D.** Other Military Education and Training Matters (531-537)
- E.** Administrative Matters (541-549)
- F.** Military Justice Matters (551-552)
- G.** Benefits (561-563)
- H.** Domestic Violence (571-577)
- I.** Other Matters (581-588)

TITLE VI - COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle:

- A.** Pay and Allowances (601-606)
- B.** Bonuses and Special and Incentive Pays (611-626)
- C.** Travel and Transportation Allowances (631-635)
- D.** Retired Pay and Survivor Benefits (641-647)
- E.** Commissary and Nonappropriated Fund Instrumentality Benefits (651-655)
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TITLE VII - HEALTH CARE PROVISIONS

Subtitle:

- A.** Enhanced Benefits for Reserves (701-708)
- B.** Other Benefits Improvements (711-714)

- C. Planning, Programming, and Management (721-727)

**TITLE VIII - ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND
RELATED MATTERS**

Subtitle:

- A. Acquisition Policy and Management (801-805)
- B. United States Defense Industrial Base Provisions (811-828)
- C. Defense Acquisition and Support Workforce Flexibility (831-836)
- D. Amendments to General Contracting Authorities, Procedures, and Limitations (841-848)
- E. Acquisition-Related Reports and Other Matters (851-853)

TITLE IX - DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle:

- A. Duties and Functions of Department of Defense Officers and Organizations (901-907)
- B. Space Activities (911-915)
- C. Department of Defense Intelligence Components (921-927)
- D. Other Matters (931-933)

TITLE X - GENERAL PROVISIONS

Subtitle:

- A. Financial Matters (1001-1009)
- B. Naval Vessels and Shipyards (1011-1018)
- C. Counterdrug Matters (1021-1024)
- D. Reports (1031-1034)
- E. Codifications, Definitions, and Technical Amendments (1041-1045)

F. Other Matters (1051-1058)

TITLE XI - CIVILIAN PERSONNEL MATTERS

Subtitle:

- A. Department of Defense National Security Personnel System (1101)
- B. Department of Defense Civilian Personnel Generally (1111-1116)
- C. Other Federal Government Civilian Personnel Matters (1121-1129)

TITLE XII - MATTERS RELATING TO OTHER NATIONS

Subtitle:

- A. Matters Relating to Iraq (1201-1205)
- B. Matters Relating to Export Protections (1211-1212)
- C. Administrative Requirements and Authorities (1221-1225)
- D. Other Reports and Sense of Congress Statements (1231-1234)

TITLE XIII - COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION (1301-1308)

TITLE XIV - SERVICES ACQUISITION REFORM (Short title-1401)

Subtitle:

- A. Acquisition Workforce and Training (1411-1414)
- B. Adaptation of Business Acquisition Practices (1421-1428)
- C. Acquisitions of Commercial Items (1431-1433)
- D. Other Matters (1441-1443)

TITLE XV - VETERANS DISABILITY BENEFITS COMMISSION (1501-1507)

TITLE XVI - DEFENSE BIOMEDICAL COUNTERMEASURES (1601-1603)

**TITLE XVII - NATURALIZATION AND OTHER IMMIGRATION BENEFITS FOR
MILITARY PERSONNEL AND FAMILIES (1701-1705)**

**DIVISION B - MILITARY CONSTRUCTION AUTHORIZATIONS (Short title-
2001)**

TITLE XXI - ARMY (2101-2107)

TITLE XXII - NAVY 2201-2206)

TITLE XXIII - AIR FORCE (2301-2305)

TITLE XXIV - DEFENSE AGENCIES (2401-2406)

**TITLE XXV - NORTH ATLANTIC TREATY ORGANIZATION SECURITY
INVESTMENT PROGRAM (2501-2502)**

TITLE XXVI - GUARD AND RESERVE FORCES FACILITIES (2601)

**TITLE XXVII - EXPIRATION AND EXTENSION OF AUTHORIZATIONS (2701-
2703)**

TITLE XXVIII - GENERAL PROVISIONS

Subtitle:

- A.** Military Construction Program and Military Family Housing
Changes (2801-2809)
- B.** Real Property and Facilities Administration (2811-2813)
- C.** Base Closure and Realignment (2821-2822)
- D.** Land Conveyances (2831-2862)
- E.** Other Matters (2871-2873)

**DIVISION C - DEPARTMENT OF ENERGY NATIONAL SECURITY
AUTHORIZATIONS AND OTHER AUTHORIZATIONS**

TITLE XXXI - DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle:

- A.** National Security Programs Authorizations (3101-3105)

- B. Program Authorizations, Restrictions, and Limitations 3111-3117)
- C. Proliferation Matters (3121-3125)
- D. Other Matters (3131-3135)
- E. Consolidation of National Security Provisions (3141)

TITLE XXXII - DEFENSE NUCLEAR FACILITIES SAFETY BOARD (3201)

TITLE XXXIII - NATIONAL DEFENSE STOCKPILE (3301-3302)

TITLE XXXIV - NAVAL PETROLEUM RESERVES (3401)

TITLE XXXV - MARITIME ADMINISTRATION (Short title-3501)

Subtitle:

- A. Maritime Administration Reauthorization (3511-3517)
- B. Amendments to Title XI Loan Guarantee Program (3521-3528)
- C. Maritime Security Fleet (3531-3537)
- D. National Defense Tank Vessel Construction Assistance (3541-3546)

TITLE XXXVI - NUCLEAR SECURITY INITIATIVE (Short title-3601)

Subtitle:

- A. Administration and Oversight of Threat Reduction and Nonproliferation Programs (3611)
- B. Relations Between the United States and Russia (3621-3624)
- C. Other Matters (3631)